

IN RE: PETITION FOR VARIANCE * BEFORE THE
NW/S Lyons Mill Road, 2670'-2970'NE
of Marriottsville Road; SE/S * DEPUTY ZONING COMMISSIONER
Dolfield Road (Villages of Winterset)
2nd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
G.B.C. Limited Partnership * Case No. 97-98-A
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for several lots in the subdivision known as the Villages of Winterset, which is located southeast of Dolfield Road west of New Town Boulevard in Owings Mills. The Petition was filed by the owners of the property, G.B.C. Limited Partnership, by T. Kevin Carney, President, through their attorney, Jeffrey H. Scherr, Esquire. The Petitioners seek a multitude of variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) which are more particularly described in the Summary of Variance Requests attached to the Petition for Variance filed, and on the site plan submitted which was submitted and accepted into evidence as Petitioner's Exhibit 1. A copy of the Summary of Variance Requests will be attached to the Order issued in this matter. In addition to the variance relief sought, the Petitioners seek approval to amend Restrictions Nos. 2A, 2b, and 2h of the Order issued in prior Case No. 91-490-A to reflect the relief requested in the current case.

Appearing at the hearing on behalf of the Petition were David S. Thaler and Alan Scoll with D. S. Thaler and Associates, Inc., and Jeffrey H. Scherr, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

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Date

By

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Testimony and evidence offered revealed that the property which is the subject of this request concerns a 20.29-acre parcel within the Villages of Winterset which is proposed to be developed with a mix of single family dwellings, townhouses and condominiums as shown on the site plan marked as Petitioner's Exhibit 1. The Petitioners propose to develop this parcel in conformity with the concept of a "village". To this end, the Petitioners filed a Petition for Variance seeking relief from the restrictive setback requirements that were in effect in 1991 and were granted same in prior Case No. 91-490-A. Thereafter, the Petitioners were granted a special exception and variance relief for a group child care center in Case No. 95-131-XA. The Petitioners now come before me seeking to further refine the "village" concept to allow for the creation of a "mews-type" townhome development, and to permit the substitution of additional single family home units in place of certain townhome units originally proposed.

The variances requested in the instant case are subject to the zoning regulations that were in existence when this project was first considered in Case No. 91-490-A. Many of the variances sought by the Petitioners in this case would be allowed under the present zoning regulations. Further, many of the proposed variances are minor refinements to the previously approved variances in Case No. 95-131-XA.

With respect to the townhome-related variances sought, the witnesses testified about the unique nature of the "mews" concept. Particularly, the townhome area will be constructed as a series of mews in that each townhome will be fronted by a common area, or "mews" that will be open for use by all residents. This proliferation of open space will encourage community interaction and lessen the impact of automobile traf-

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RSP

fic. Private driveways will run behind each two-car garage townhome to provide automobile access. The witnesses testified that the "mews" concept will create the atmosphere of a "traditional" neighborhood.

Given the restrictive setback requirements that were in effect when Case No. 91-490-A came before this Deputy Zoning Commissioner in 1991, it would be impossible for the Petitioners to develop the subject parcel in a "mews" format without the requested variances. Indeed, this concept requires that each townhome take up virtually its entire lot to allow sufficient space for access to its rear-entry garage. Accordingly, strict compliance with the former regulations would cause practical difficulty to the Petitioners.

The remaining variances are necessitated by the Petitioners' intention to place additional single-family homes along Endora Court in place of the originally proposed townhomes. Messrs. Thaler and Scoll testified that the additional single-family homes will provide greater housing diversity in the area, as well as greater continuity with the single-family home development located on the adjoining parcel. The variances necessitated by the single-family home construction are similar to the variances already granted for single-family home construction on the Winterset site, and the same practical difficulties are present.

It should also be noted that prior to the hearing in this matter, the Office of Planning raised some issues concerning the relief requested. The Petitioners indicated at the hearing that an agreement had been reached with the Office of Planning, and that the relief requested should be granted, subject to certain terms and conditions, which will be incorporated at the end of this Order as restrictions to the relief granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of November, 1996 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) in accordance with the Summary of Variance Requests attached hereto and to amend Restrictions Nos. 2A, 2b, and 2h of the Order issued in prior Case No. 91-490-A to reflect the relief requested in the current case, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) An open space parcel of substantial size will be created by removing house Nos. 460, 461 and 462, and by moving the remaining units, house Nos. 450 through 459, as far south as practicable to provide for a useable open space. This change is shown on the amended site plan submitted into evidence as Petitioner's Exhibit 1.
- 3) With regard to setback variance requests that allow for a lesser setback than that which would appear to be necessary upon examination of the site plan, the site plan as submitted will dictate the setback rather than the lesser number. For instance, where a window to street right-of-way setback of 8 feet in lieu of the required 25 feet is requested, a building setback shown to be more than 8 feet on the site plan will be built in accordance with the site plan rather than the 8 feet allowed by the variance.
- 4) Screening to block views of parking and alley areas will be provided in accordance with the plans submitted to the Director of the Office of Planning on September 25, 1996 and dated September 10, 1996.

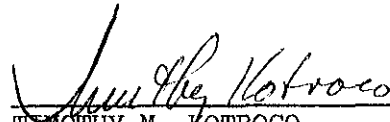
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By [Signature]

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5) The developer will provide covenants restricting conversion of garages to living space.

6) When applying for any building permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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RP



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 27, 1996

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
Commerce Place, Suite 2600
One South Street
Baltimore, Maryland 21202-3201

RE: PETITION FOR VARIANCE
NW/S Lyons Mill Road, 2670'-2970'NE of Marriottsville Road;
SE/S Dolfield Road (Villages of Winterset)
2nd Election District - 3rd Councilmanic District
G.B.C. Limited Partnership - Petitioners
Case No. 97-98-A

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. T. Kevin Carney, President, G.B.C. Limited Partnership
10705 Charter Drive, Columbia, Md. 21044

Messrs. David S. Thaler & Alan Scoll, D.S. Thaler & Assoc., Inc.
7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel

File

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IN RE: PETITION FOR VARIANCES
AND SPECIAL EXCEPTION

NW/S Lyons Mill Road
2670'-2970' NE of Marriottsville
Road; SE/S Dolfield Road
(The Villages of Winterset;
formerly known as Kent Mar and
Lyonsfield Run)
2nd Election District
3rd Councilmanic District
Legal Owner: GBC Limited
Partnership

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF
* BALTIMORE COUNTY
*
* Case No.: 97-98-A

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein seeks the following variances:

1. SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDP)
Requires a 40 foot building-to-building separation.

REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF
40'.

-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459

(b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF
40'.

-- LOT NOS. 259-291

2. SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation between
centers of facing windows.

REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.

-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459

(b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.

-- LOT NOS. 259-291

3. V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.

REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE
SETBACK (SIDE ONLY)

-- LOT NOS. 300, 304, 305, 310, 311, 316, 317
322, 323, 326, 327, 331, 332, 337, 338, 343

344, 349, 350, 355, 356, 361, 362, 367, 368
373, 374, 379, 380, 385, 386, 391, 392, 397
398, 404, 405, 407, 408, 412, 413, 418, 419
422, 423, 427, 428, 433, 434, 437, 438, 443
444, 449, 450, 454, 455 and 459.

(b) TO ALLOW A MINIMUM 8' WINDOW-TO-PROPERTY LINE
SETBACK (REAR ONLY)

-- LOT NOS. 300-399, 403-459.

(c) TO ALLOW A MINIMUM 10' WINDOW-TO-PROPERTY LINE
SETBACK (FRONT ONLY)

-- LOT NOS. 300-399, 403-459

(d) TO ALLOW A MINIMUM 4' WINDOW-TO-PROPERTY LINE
(SIDE ONLY)

-- LOT NOS. 259-291.

4. SECTION V.B.6.a. (CMDP)

Requires a 25 foot window-to-street right-of-way setback.

REQUEST: (a) TO ALLOW A MINIMUM 8' WINDOW-TO-STREET
RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS
ONLY).

-- LOT NOS. 310, 311, 322, 343, 344, 355, 356
367, 368, 379, 380, 391, 407, 419, 454, 455

(b) TO ALLOW 10' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'. (SIDE SETBACKS ONLY).

-- LOT NOS. 291 and 259 (SIDE SETBACKS ONLY).

(c) TO ALLOW 14' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'.

-- LOT NOS. 259 and 284 (FRONT SETBACKS ONLY)

5. SECTION 413.1.e.1. (BCZR)

Allows 15 square feet maximum for community identification
signage.

REQUEST: TO ALLOW 864 S.F. OF SIGNAGE IN LIEU OF THE
PERMITTED 720 S.F. GRANTED IN CASE NUMBER
95-131-XA (ADDITION OF 2 DOUBLE FACED FREE
STANDING SIGNS, TALLING 144 S.F.)

6. SECTION V.B.7. (CMDP)
Requires a minimum of 500 square feet of private yard space.

REQUEST: TO ALLOW A MINIMUM OF 0 SQUARE FEET OF PRIVATE
YARD SPACE IN LIEU OF 500 SQUARE FEET AND TO ALLOW
A MINIMUM DEPTH OF 0' IN LIEU OF 15'

-- LOT NOS. 300-399 & 403-459
7. SECTION 301.1A (BCZR)
Requires that an open projection not extend beyond 25% of
the minimum required yard depth.

REQUEST: TO ALLOW A SETBACK OF 4' TO THE REAR PROPERTY LINE
FOR AN OPEN PROJECTION (DECK/BALCONY) IN LIEU OF
18.75' REQUIRED (25' MINUS 25% = 18.75')

-- LOT NOS. 300-399 & 403-459
8. SECTION III.F.2. (CMDP)
Requires 2 spaces/unit plus 30% guest (undesignated) parking

REQUEST: TO ALLOW 23% (75 SPACES) GUEST PARKING IN LIEU OF
30% (96 SPACES).
9. SECTION V.B.5.b. (CMDP)
Requires a 30' building-to-tract boundary setback.

REQUEST: TO ALLOW 20' BUILDING-TO-TRACT BOUNDARY IN LIEU OF
30'.

-- LOT NOS. 287-291
10. SECTION 1B01.2.C.2.a. (BCZR) and V.B.5.a. (CMDP)
Requires a 35' window-to-tract boundary setback.

REQUEST: TO ALLOW A 20' WINDOW-TO-TRACT BOUNDARY IN LIEU OF
35'.

-- LOT NOS. 287-291
11. SECTION V.B.8 (CMDP)
Requires a 22 foot front street right-of-way setback for
garages and carports.

REQUEST: (a) TO ALLOW 20' FOOT FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 260-283 & 285-291.

(b) TO ALLOW 14' FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 259 AND 284.

12. SECTION V.B.6.d. (CMDP)
Requires a 47' dwelling to centerline setback.

REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/
WINDOWED DOOR TO THE CENTERLINE OF THE TRAVELLED
WAY IN LIEU OF THE REQUIRED 47'.

-- LOT NOS. 300-399, 403-459.

The Petitioner also seeks to amend Restriction Nos. 2a, 2b and 2h from Zoning Case No. 91-490-A to allow for the setbacks described above.

The Petitioner is developing the subject parcel in conformity with the concept of a "village." To this end, the Petitioner sought, and was granted, several variances by the Deputy Zoning Commissioner in Case No. 91-490-A. The Petitioner received several additional variances, as well as a special exception to allow the operation of a group child care center, in Case No. 95-131-XA. In this case, the Petitioner seeks to further refine the village concept to allow for the creation of a "mews-type" townhome development, and further to allow for the substitution of additional single family home units in place of certain townhome units as originally proposed.

The variances requested in this case are subject to the zoning regulations that were in existence when this project was first considered in Case No. 91-490-A. Many of the variances sought by Petitioner in this case would be allowed under the present zoning regulations. Further, many of the proposed variances are minor refinements to the variances approved in Case No. 95-131-XA.

The Petitioner was represented by Jeffrey H. Scherr, Esquire. Testifying on the Petitioner's behalf were David S.

Thaler P.E., L.S., D.S. and Alan Scoll, R.L.A., both of D.S. Thaler & Associates, Inc. There were no other appearances or opponents.

With respect to the townhome-related variances, the witnesses testified about the unique nature of the mews concept. Particularly, the townhome area will be constructed as a series of "mews." Each townhome will be fronted by a common area, or "mews," that will be open for use by all residents. This proliferation of open space will encourage community interaction and lessen the impact of automobile traffic. Private drives will run behind each two-car garage townhome to provide automobile access. The witnesses testified that the mews concept will create the atmosphere of a "traditional" neighborhood.

Given the restrictive setback requirements that were in place when Case No. 91-490-A came before the Deputy Zoning Commissioner in 1991, it would be impossible for the Petitioner to develop the mews concept on the subject parcel without the requested variances. Indeed, the mews concept itself requires that each townhome take up virtually its entire lot to allow sufficient space for access to its rear-entry garage. Accordingly, strict compliance with the former regulations would cause practical difficulty to the Petitioner.

The second set of variances is necessitated by Petitioner's intention to place additional single-family homes along Endora Court in place of the originally proposed townhomes. Messrs. Thaler and Scoll testified that the additional single-family homes will provide greater housing diversity in the area, as well as greater continuity with the single-family home

development located on an adjoining parcel. The variances necessitated by the single-family home construction are similar to the variances already granted for single-family home construction on the Winterset site, and the same practical difficulties are present.

In light of the preceding, the Deputy Zoning Commissioner finds that the Petitioner's requested variances 1 through 12 should be granted subject to certain conditions described below. Prior to the hearing in this matter, the Petitioner came to an agreement with the Director of the Office of Planning about certain conditions. Accordingly, the Deputy Zoning Commissioner approves the variances described above subject to the following conditions:

- A. An open space parcel of substantial size will be created by removing house Nos. 460, 461 and 462, and by moving the remaining units, 450 through 459, as far south as practicable to provide for a usable open space. This change is shown on the amended plat which was presented to the Deputy Zoning Commissioner at the hearing.
- B. With regard to setback variance requests that allow for a lesser setback than that which would appear to be necessary upon examination of the site plan, the site plan as submitted will dictate the setback rather than the lesser number. For instance, where an eight foot window to street right-of-way setback in lieu of 25 feet is requested, a building setback shown to be more than eight feet on the site plan will be built in accordance with the site plan rather than the eight feet allowed by the variance.
- C. Screening to block views of parking and alley areas will be provided in accordance with the plans submitted to the Director of the Office of Planning's office on September 25, 1996 and dated September 10, 1996.
- D. The developer will provide covenants restricting conversion of garages to living space.

E. Additional off-street (perpendicular bay) parking spaces will be provided to the extent possible, with a target of 35 to 40 off-street parking spaces.

F. Minimum 10' side yards for end units will be provided whenever possible.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this ____ day of _____, 1996, that the following requested variances are hereby GRANTED subject to the conditions described above:

1. SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDP)
Requires a 40 foot building-to-building separation.

REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF 40'.

-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459

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- LOT NOS. 300-399, 403-459.

It is further ORDERED that Restriction Nos. 2a, 2b and 2h from Zoning Case No. 91-490-A are hereby amended to allow for the setbacks described above.

All of the above relief is, however, subject to the following:

The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such date as the thirty-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said Property to its original condition.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

LAW OFFICES
KRAMON & GRAHAM, P. A.
COMMERCE PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030
FACSIMILE
(410) 539-1269

KARL J. NELSON
(410) 347-7434

November 25, 1996

HAND DELIVERY

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variances and Special Exception

NW/S Lyons Mill Road 2670'-2970' NE of
Marriottsville Road; SE/S Dolfeld Road
(The Villages of Winterset; formerly known
as Kent Mar and Lyonsfield Run) 2nd Election
District, 3rd Councilmanic District
Legal Owner: GBC Limited Partnership
Case No.: 97-98-A

Dear Mr. Kotroco:

Pursuant to my telephone conversation with Betty of
your office, enclosed please find the proposed Order for the
above-referenced case.

Thank you for your consideration of this matter.

Very truly yours,

Karl J. Nelson
Karl J. Nelson jp

KJN:jes

Enclosure

MICROFILMED

right of way in lieu of 25 ft. (side setbacks only) for lots nos. 310, 311, 322, 343, 344, 355, 356, 357, 368, 379, 380, 391, 407, 419, 454, 455, to allow a 10 ft. window to street right of way in lieu of 25 ft. (side setbacks only) for lots nos. 291 and 259 to allow 14 ft. window to street right of way in lieu of 25 ft. for lot nos. 259 and 284 (front setbacks only); to allow 864 sq. ft. of signage in lieu of the permitted 720 sq. ft. granted in case #95-131-XA (addition of 2 double faced free standing signs, totaling 144 sq. ft.); to allow a minimum of zero sq. ft. of private yard space in lieu of 500 sq. ft. and to allow a minimum depth of zero feet in lieu of 15 ft. for lot nos. 389, 399 and 403 - 462; to allow a setback of 4 ft. to the rear boundary line for an open parking (deck/patio) in lieu of the 18.75' required for lots nos. 300, 339 and 403 - 462; to allow 23% (76 spaces) of parking in lieu of 30% (86 spaces); to allow 20 ft. building to tract boundary in lieu of 30 ft. for lots nos. 287 - 291; to allow a 35 ft. window to tract boundary in lieu of 35 ft. for lot nos. 287 - 291; to allow a 20 ft. front street right of way setback for garages and carports in lieu of 22 ft. for lots nos. 260 - 283 and 285 - 291; to allow a 14 ft. front street right of way setback in lieu of 22 ft. for lots nos. 259 and 284; to allow a minimum of 20 ft. from the dwelling/windowed door to the centerline of the traveled way in lieu of the required 47 ft. for lot nos. 300 - 399, 403 - 462; and to amend restriction nos. 2.a, 2.b, and 2.h from zoning case #91-490-A.

Hearing: Monday, October 7, 1996 at 10:30 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

9/15/96 Sept. 12 C8227

NOTICE OF HEARINGS

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on

Case: #97-59-A
(Item 50)
Village of Towson, Inc.
Kent Hill, the Lyndhurst Run
at of intersection of Perrywood
Road, 1800 ft. of intersection
Dorfield and Watts Road
2nd Election District
3rd Councilmanic
Legal Owner(s):
G.B.C. Limited Partnership

Variance: to allow a 20 ft. building to building separation in lieu of 40 feet for lots nos. 304, 326, 327, 404, 405, 422, 423, 433, 434, 438, 443, 444, 449, 450, 459, 460; to allow a 15 ft. window-to-window separation in lieu of 40 ft. for lots nos. 259-291; to allow 30 ft. window to window separation in lieu of 40 ft. for lots nos. 300, 304, 326-327, 404-405, 422-423, 433-434, 438-443, 444-449, 450, 459, 460; to allow 15 ft. building to building separation in lieu of 40 ft. for lots nos. 259 - 291; to allow a minimum 5 ft. window to property line setback (side only) for lots nos. 300, 304, 305, 310, 311, 316, 317, 322, 323, 326, 327, 331, 332, 337, 338, 343, 344, 349, 350, 355, 356, 361, 362, 367, 368, 373, 374, 379, 380, 385, 386, 391, 392, 397, 398, 404, 405, 407, 408, 412, 413, 418, 419, 422, 423, 427, 428, 433, 434, 437, 438, 443, 444, 449, 450, 454, 455, 459, 460 and 462; to allow a minimum 8 ft. window to property line setback (rear only) for lots nos. 300 - 399, and 403 - 462; to allow a minimum 10 ft. window to property line setback (front only) for lots nos. 300 - 399 and 403 - 462; to allow a minimum 4 ft. window to property line (side only) for lots nos. 259 - 291; to allow a minimum 8 ft. window to street

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/12, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/12, 1996.

THE JEFFERSONIAN,

C. H. Erickson

LEGAL AD. - TOWSON



Petition for Variance

98
97-98-A

to the Zoning Commissioner of Baltimore County

for the property located at

The Village at Winterset, see attached plat

which is presently zoned D.R.3.5/D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) former § 1801.2.C.1, et seq. of the Baltimore County Zoning Regulations. The individual variance requests, including BCZR and CMD preferences, are set forth in detail in the attached Summary of Variance Requests.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached Justification Statement

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

Jeffrey H. Scherr, Esquire

(Type or Print Name)

Signature

Jeffrey H. Scherr 1/83
Kramon & Graham, P.A.

Commerce Place, Suite 2600

One South Street (410) 752-6030

Address Phone No.

Baltimore, Maryland 21202-3201

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

G.B.C. Limited Partnership

(Type or Print Name)

Signature

T. Kevin Carney, President

(Type or Print Name)

Signature

10705 Charter Drive

(410) 740-5335

Address

Phone No

Columbia, Maryland 21044

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Jeffrey H. Scherr, Esquire

Kramon & Graham, P.A.

Commerce Place, Suite 2600

Name

One South Street

Baltimore, MD 21202-3201

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Printed with Soybean Ink
on Recycled Paper



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UNDER RECEIVED FOR FILING
Date 11/27/86
By [Signature]

SUMMARY OF VARIANCE REQUESTS
TO ACCOMPANY THE PETITION OF
GBC LIMITED PARTNERSHIP

97-98-A

- VARIANCE (1) SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDP)
Requires a 40 foot building-to-building separation.
- REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459, 460
- (b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. 259-291
- VARIANCE (2) SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation
between centers of facing windows.
- REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459, 460
- (b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. 259-291
- VARIANCE (3) V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.
- REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE
SETBACK (SIDE ONLY)
- LOT NOS. 300, 304, 305, 310, 311, 316, 317
322, 323, 326, 327, 331, 332, 337, 338, 343
344, 349, 350, 355, 356, 361, 362, 367, 368
373, 374, 379, 380, 385, 386, 391, 392, 397
398, 404, 405, 407, 408, 412, 413, 418, 419,
422, 423, 427, 428, 433, 434, 437, 438, 443,
444, 449, 450, 454, 455, 459, 460 and 462.
- (b) TO ALLOW A MINIMUM 8' WINDOW-TO-PROPERTY LINE
SETBACK (REAR ONLY)
- LOT NOS. 300-399, 403-462.
- (c) TO ALLOW A MINIMUM 10' WINDOW-TO-PROPERTY LINE
SETBACK (FRONT ONLY)
- LOT NOS. 300-399, 403-462
- (d) TO ALLOW A MINIMUM 4' WINDOW-TO-PROPERTY LINE
(SIDE ONLY)
LOT NOS. 259-291.

ORDER RECEIVED FOR FILING

Date

By

winterset\variance.req:1

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97-98-A

VARIANCE (4) SECTION V.B.6.a. (CMDP)
Requires a 25 foot window-to-street right-of-way setback.

- REQUEST: (a) TO ALLOW A MINIMUM 8' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS ONLY).
- LOT NOS. 310, 311, 322, 343, 344, 355, 356, 367, 368, 379, 380, 391, 407, 419, 454, 455
- (b) TO ALLOW 10' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS ONLY).
- LOT NOS. 291 and 259 (SIDE SETBACKS ONLY).
- (c) TO ALLOW 14' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF 25'.
- LOT NOS. 259 and 284 (FRONT SETBACKS ONLY)

VARIANCE (5) SECTION 413.1.e.1. (BCZR)
Allows 15 square feet maximum for community identification signage.

- REQUEST: TO ALLOW 864 S.F. OF SIGNAGE IN LIEU OF THE PERMITTED 720 S.F. GRANTED IN CASE #95-131-XA (ADDITION OF 2 DOUBLE FACED FREE STANDING SIGNS, TALLING 144 S.F.)

VARIANCE (6) SECTION V.B.7. (CMDP)
Requires a minimum of 500 square feet of private yard space.

- REQUEST: TO ALLOW A MINIMUM OF 0 SQUARE FEET OF PRIVATE YARD SPACE IN LIEU OF 500 SQUARE FEET AND TO ALLOW A MINIMUM DEPTH OF 0' IN LIEU OF 15'
- LOT NOS. 300-399 & 403-462

VARIANCE (7) SECTION 301.1A (BCZR)
Requires that an open projection not extend beyond 25% of the minimum required yard depth.

- REQUEST: TO ALLOW A SETBACK OF 4' TO THE REAR PROPERTY LINE FOR AN OPEN PROJECTION (DECK/BALCONY) IN LIEU OF 18.75' REQUIRED (25' MINUS 25% = 18.75')
- LOT NOS. 300-399 & 403-462

VARIANCE (8) SECTION III.F.2. (CMDP)
Requires 2 spaces/unit plus 30% guest (undesigned) parking

- REQUEST: TO ALLOW 23% (75 SPACES) GUEST PARKING IN LIEU OF 30% (96 SPACES).

ORDER RECEIVED FOR FILING

Date

Winterset\variance.req:1

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97-98-A

VARIANCE (9) SECTION V.B.5.b. (CMDP)
Requires a 30' building-to-tract boundary setback.

REQUEST: TO ALLOW 20' BUILDING-TO-TRACT BOUNDARY IN LIEU OF
30'.
- LOT NOS. 287-291

VARIANCE (10) SECTION 1B01.2.C.2.a. (BCZR) and V.B.5.a. (CMDP)
Requires a 35' window-to-tract boundary setback.

REQUEST: TO ALLOW A 20' WINDOW-TO-TRACT BOUNDARY IN LIEU OF
35'.
- LOT NOS. 287-291

VARIANCE (11) SECTION V.B.8 (CMDP)
Requires a 22 foot front street right-of-way
setback for garages and carports.

REQUEST: (a) TO ALLOW 20' FOOT FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
- LOT NOS. 260-283 & 285-291.

(b) TO ALLOW 14' FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
- LOT NOS. 259 AND 284.

VARIANCE (12) SECTION V.B.6.d. (CMDP)
Requires a 47' dwelling to centerline setback.

REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/WINDOWED
DOOR TO THE CENTERLINE OF THE TRAVELLED WAY IN LIEU
OF THE REQUIRED 47'.
- LOT NOS. 300-399, 403-462.

And to amend Restriction Nos. 2.a, 2.b and 2.h from Zoning Case No. 91-490-A. ^{KJN}

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#98

JUSTIFICATION STATEMENT TO ACCOMPANY
VARIANCE PETITION OF
GBC LIMITED PARTNERSHIP

97-98-A

Petitioner, GBC Limited Partnership, is the owner and developer of a subdivision in the Owings Mills section of Baltimore County known as The Villages of Winterset ("Winterset"). Winterset is unique in that it manifests characteristics of both a traditional village and a modern community. This novel concept has been endorsed and supported by the Office of Planning and Zoning because it incorporates open spaces, pedestrian-friendly streets, walkways and recreation areas, as well as both townhomes and single family homes, on a site that is 30%-40% wetland, flood plain and related forest area.

Petitioner's current request reflects a revision of its proposal for the final segment of Winterset to allow for innovative townhomes and additional single family homes. This revision requires three types of variances. The first set of variances is necessitated by the innovative "mews"-type townhouse configuration described in detail below. The second set of variances arises from the addition of single family homes on the western portion of Endora Court, in place of the originally proposed townhomes. The final variance concerns additional signage requirements.

The Winterset project first came before the Zoning Commissioner's Office in 1991, when Petitioner sought variances to allow the construction of this unique village-type development. These variances were granted by Order of the Deputy Zoning Commissioner in Case No. 91-490-A.

97-98-A

In 1994, Petitioner sought to amend several of the original variances to better facilitate the village concept. Petitioner also sought a special exception to operate a daycare center. This relief was granted by the Deputy Zoning Commissioner in Case No. 95-131-XA.

Petitioner now seeks to develop another section of Winterset. Since the original Winterset filing in 1991, Petitioner has continued to refine and develop its village concept. It now petitions the Zoning Commissioner's Office for the following variances to facilitate the creation of a truly novel residential area.

The first group of variances relates to the townhome portion of the development. The hallmark of the townhome area will be the construction of a series of "mews." In this concept, private drives will run behind the two-car garage townhomes. No streets will run in front of the townhomes. Instead, each townhome will be fronted by a common area, or "mews," that will be open for use by all residents. The mews-type development will encourage community interaction by creating free space in front of the homes. The intermingling of pedestrian and automobile traffic will be discouraged by the private rear-entry driveways.

Given the space constraints associated with the parcel in question and the mews concept itself, the mews proposal will

97-98-A

require several variances. It is important to note that these variances are based on the Baltimore County Zoning Regulations as they existed when the Winterset project was first brought before the Zoning Commissioner's Office in 1991. Many of the requested variances would not be required under the current Zoning Regulations. Further, many of the requested variances are merely minor refinements to the variances approved in Case No. 95-131-XA. Most of the townhome-related variances are from setback requirements that are not compatible with the mews concept. For example, to fully implement the mews concept, each townhome and driveway must occupy virtually its entire lot. Accordingly, numerous setback variances are required to accommodate lot line setbacks, street setbacks, etc.

The variances are necessitated by the relatively small nature of the parcel and the presence of a forest conservation area to the south. Moreover, the Deputy Zoning Commissioner already has approved a number of similar variances relevant in Case No. 95-131-XA, even before the mews concept was proposed. If the proposed variances are not approved, Petitioner will not be able to utilize the mews concept. This would result in a practical hardship to the Petitioner and contravene Baltimore County's favorable disposition toward the concept.

The second group of variances relates to the expanded number of single family homes. In Case No. 95-131-XA, the Deputy

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97-98-A

Zoning Commissioner granted a number of variances applicable to single family home construction to the south and east of Runnymede Road. As indicated in the accompanying plat, Petitioner has added a court in that area. To provide a greater diversity of housing, single family homes, rather than townhomes, will surround the court. This reconfiguration required a renumbering of the affected lots.

The proposed single family home construction will require several variances due to the small lot sizes. Many of the same variances required for the renumbered and additional lots were contemplated and approved by the Deputy Zoning Commissioner in Case No. 95-131-XA. Indeed, in several instances, the approved variances were greater than those requested in the accompanying Petition.

As the variance requests are substantially similar to those in Case No. 95-131-XA, the justification for those requests remains the same, and they should be approved for the reasons set forth in the Deputy Zoning Commissioner's Order in that case.

The final variance necessitated by the changes to the Development concerns signage. The reconfiguration gives rise to the need for two additional double-faced free standing signs totalling 144 square feet. The additional signs will "be attractive and large enough to give adequate notice to a person

97-98-A

needing directions," as the Deputy Zoning Commissioner noted in his Order in Case No. 95-131-XA. These signs will be placed at each of the two entrances to the townhome portion, and will identify that area as "Winterset." The signs in question are, in fact, significantly smaller than the community identification signs already approved in Case No. 95-131-XA.

Respectfully submitted,

Jeffrey H. Scherr
Jeffrey H. Scherr

June 19, 1996

#98

THE VILLAGES OF WINTERSET

97-98-A

(Garage Entry Townhouses and Single Family Units)

(For Zoning Purposes Only)

Beginning at a point located approximately 1,850 feet, more or less, southeasterly from the intersection of Dolfield Road and Watts Road at the centerline of the proposed Runnymede Road thence running following 20 courses and distances:

1. South $50^{\circ}35'23''$ East 638.39 feet, more or less to a point; thence,
2. 299.70 feet, curving to the right, having a radius of 800.00 feet, more or less, to a point; thence,
3. 258.29 feet, curving to the left, having a radius of 700.00 feet, more or less, to a point, thence,
4. 185.89 feet, curving to the right, having a radius of 800.00 feet, more or less, to a point; thence (leaving Runnymede Road),
5. North $88^{\circ}30'34''$ West 204.54 feet, more or less, to a point; thence,
6. North $66^{\circ}35'36''$ West 93.18 feet, more or less, to a point; thence,
7. North $56^{\circ}18'28''$ West 88.57 feet, more or less, to a point; thence,
8. North $40^{\circ}40'54''$ West 47.93 feet, more or less, to a point; thence,
9. North $80^{\circ}40'27''$ West 274.74 feet, more or less, to a point; thence,

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page 2

June 19, 1996

THE VILLAGES OF WINTERSET

(Garage Entry Townhouses and Single Family Units)

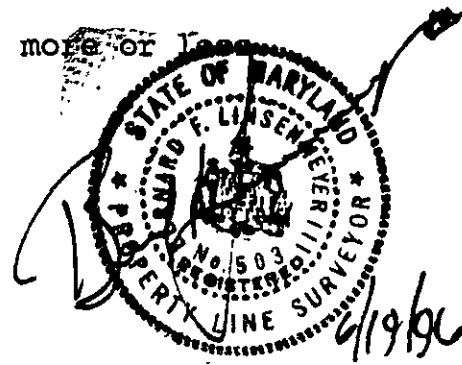
(For Zoning Purposes Only)

97-98-A

10. South 28°22'37" West 78.22 feet, more or less, to a point;
thence,
11. North 71°01'57" West 1327.32 feet, more or less, to a point;
thence,
12. 128.74 feet, curving in to the right, having a radius of
380.00 feet, more or less, to a point; thence,
13. South 71°01'04" East 118.85 feet, more or less, to a point;
thence,
14. North 45°48'54" East 475.34 feet, more or less, to a point;
thence,
15. North 65°35'54" East 95.24 feet, more or less, to a point;
thence,
16. North 74°11'51" East 14.99 feet, more or less, to a point;
thence,
17. North 83°25'22" East 62.01 feet, more or less, to a point;
thence,
18. South 72°37'20" East 139.51 feet, more or less, to a point;
thence,
19. South 50°35'23" East 147.73 feet, more or less, to a point;
thence,
20. North 39°24'37" East 130.00 feet, more or less, to the point
of beginning.

Containing approximately 20.29 acres of land, more or less

MICROFILMED



Date of return:

ZONING NOTICE

Case # : 97-98-A

A PUBLIC HEARING WILL BE HELD
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE : RM. 118, OLD COURTHOUSE

TIME & DATE : MON., OCT. 7, 1996 AT 10:30 A.M.

VARIANCES

REQUESTED FOR LOTS 259 THROUGH
291; 300 THROUGH 399 AND 403 THROUGH
462; TO ALLOW 864 SQ. FT. SIGNAGE IN
LIEU OF THE PERMITTED 720 SQ. FT. PERMITTED
IN CASE # 95-131-XA; TO ALLOW 25 % (75 SPACES)
GUEST PARKING IN LIEU OF 50 % (96 SPACES);
AND TO AMEND RESTRICTION NUMBERS 2.B, 2.b,
AND 2.h FROM ZONING CASE # 91-490-A.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 887-3381 THE DAY BEFORE THE SCHEDULED HEARING DATE.

IF YOU BELIEVE THIS NOTICE MAY VIOLATE ANY FEDERAL, STATE OR LOCAL LAWS,
HEARINGS ARE HANDICAPPED ACCESSIBLE



97-98-A
~~97-98-A~~

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 98

Petitioner: GBL Limited Partnership

Location: The Villages of Winterset - Beginning at a point located approximately 1850 feet, more or less, southeasterly from the intersection of Doldfield Rd. and Watts Rd. at the centerline of the proposed Runnymede Rd, containing 20.29 acres.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GBL Limited Partnership

ADDRESS: 10705 Charter Drive

Columbia, Maryland 21044

PHONE NUMBER: (410) 740-5335

AJ:ggs

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(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
September 12, 1996 Issue - Jeffersonian

Please forward billing to:

GBC Limited Partnership
10705 Charter Drive
Columbia, MD 21044
740-5335

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-98-A (Item 98)
Village of Winterset, fka Kent Mar, fka Lyonsfield Run
at c/l proposed Runnymede Road, 1850' SE of intersection Dolfield and Watts Road
2nd Election District - 3rd Councilmanic
Legal Owner(s): G.B.C. Limited Partnership

Variance to allow a 20 ft. building-to building separation in lieu of 40 feet for lots nos. 304, 326, 327, 404, 405, 422, 423, 433, 434, 438, 443, 444, 449, 450, 459, 460; to allow a 15 ft. window to window separation in lieu of 40 ft. for lots nos 259-291; to allow 30 ft. window to window separation in lieu of 40 ft. for lots nos. 304, 326-327, 404-405, 422-423, 433-434, 438-443, 444-449, 450, 459, 460; to allow 15 ft. building to building separation in lieu of 40 ft. for lots nos. 259 - 291; to allow a minimum 5 ft. window to property line setback (side only) for lots nos. 300, 304, 305, 310, 311, 316, 317, 322, 323, 326, 327, 331, 332, 337, 338, 343, 344, 349, 350, 355, 356, 361, 362, 367, 368, 373, 374, 379, 380, 385, 386, 391, 392, 397, 398, 404, 405, 407, 408, 412, 413, 418, 419, 422, 423, 427, 428, 433, 434, 437, 438, 443, 444, 449, 450, 454, 455, 459, 460 and 462; to allow a minimum 8 ft. window to property line setback (rear only) for lots nos. 300 - 399, and 403 - 462; to allow a minimum 10 ft. window to property line setback (front only) for lots nos. 300 - 399 and 403-462; to allow a minimum 4 ft. window to property line (side only) for lots nos. 259 - 291; to allow a minimum 8 ft. window to street right of way in lieu of 25 ft. (side setbacks only) for lots nos. 310, 311, 322, 343, 344, 355, 356, 367, 368, 379, 380, 391, 407, 419, 454, 455; to allow a 10 ft. window to street right of way in lieu of 25 ft. (side setbacks only) for lot nos. 291 and 259; to allow 14 ft. window to street right of way in lieu of 25 ft. for lot nos. 259 and 284 (front setbacks only); to allow 864 sq. ft. of signage in lieu of the permitted 720 sq. ft. granted in case #95-131-XA (addition of 2 double faced free standing signs, totalling 144 sq. ft.); to allow a minimum of zero sq. ft. of private yard space in lieu of 500 sq. ft. and to allow a minimum depth of zero feet in lieu of 15 ft. for lot nos. 300 - 399 and 403 - 462; to allow a setback of 4 ft. to the rear property line for an open projection (deck/balcony) in lieu of 18.75' required for lots nos. 300 - 399 and 403 - 462; to allow 23% (75 spaces) guest parking in lieu of 30% (96 spaces); to allow 20 ft. building to tract boundary in lieu of 30 ft. for lots nos. 287 - 291; to allow a 35 ft. window to tract boundary in lieu of 35 ft. for lot nos. 287 - 291; to allow a 20 ft. front street right of way setback for garages and carports in lieu of 22 ft. for lots nos. 260 - 283 and 285 - 291; to allow a 14 ft. front street right of way setback in lieu of 22 ft. for lots nos. 259 and 284; to allow a minimum of 20 ft. from the dwelling/windowed door to the centerline of the travelled way in lieu of the required 47 ft for lot nos. 300 - 399, 403-462; and to amend restriction nos. 2.a, 2.b, and 2.h from zoning case #91-490-A.

HEARING: MONDAY, OCTOBER 7, 1996 at 10:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

COPY

September 9, 1996

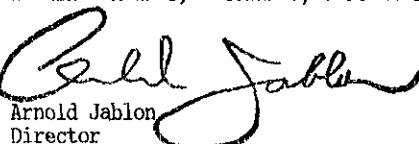
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-98-A (Item 98)
Village of Winterset, fka Kent Mar, fka Lyonsfield Run
at c/l proposed Runnymede Road, 1850' SE of intersection Dolfeld and Watts Road
2nd Election District - 3rd Councilmanic
Legal Owner(s): G.B.C. Limited Partnership

Variance to allow a 20 ft. building-to building separation in lieu of 40 feet for lots nos. 304, 326, 327, 404, 405, 422, 423, 433, 434, 438, 443, 444, 449, 450, 459, 460; to allow a 15 ft. window to window separation in lieu of 40 ft. for lots nos 259-291; to allow 30 ft. window to window separation in lieu of 40 ft. for lots nos. 304, 326 327, 404-405, 422-423, 433-434, 438-443, 444-449, 450, 459, 460; to allow 15 ft. building to building separation in lieu of 40 ft. for lots nos. 259 - 291; to allow a minimum 5 ft. window to property line setback (side only) for lots nos. 300, 304, 305, 310, 311, 316, 317, 322, 323, 326, 327, 331, 332, 337, 338, 343, 344, 349, 350, 355, 356, 361, 362, 367, 368, 373, 374, 379, 380, 385, 386, 391, 392, 397, 398, 404, 405, 407, 408, 412, 413, 418, 419, 422, 423, 427, 428, 433, 434, 437, 438, 443, 444, 449, 450, 454, 455, 459, 460 and 462; to allow a minimum 8 ft. window to peroperty line setback (rear only) for lots nos. 300 -399, and 403 - 462; to allow a minimum 10 ft. window to property line setback (front only) for lots nos. 300 - 399 and 403-462; to allow a minimum 4 ft. window to property line (side only) for lots nos. 259 - 291; to allow a minimum 8 ft. window to street right of way in lieu of 25 ft. (side setbacks only) for lots nos. 310, 311, 322, 343, 344, 355, 356, 367, 368, 379, 380, 391, 407, 419, 454, 455; to allow a 10 ft. window to street right of way in lieu of 25 ft. (side setbacks only) for lot nos. 291 and 259; to allow 14 ft. window to street right of way in lieu of 25 ft. for lot nos. 259 and 284 (front setbacks only); to allow 864 sq. ft. of signage in lieu of the permitted 720 sq. ft. granted in case #95-131-XA (addition of 2 double faced free standing signs, totalling 144 sq. ft.); to allow a minimum of zero sq. ft. of private yard space in lieu of 500 sq. ft. and to allow a minimum depth of zero feet in lieu of 15 ft. for lot nos. 300 - 399 and 403 - 462; to allow a setback of 4 ft. to the rear property line for an open projection (deck/balcony) in lieu of 18.75' required for lots nos. 300 - 399 and 403 - 462; to allow 23% (75 spaces) guest parking in lieu of 30% (96 spaces); to allow 20 ft. building to tract boundary in lieu of 30 ft. for lots nos. 287 - 291; to allow a 35 ft. window to tract boundary in lieu of 35 ft. for lot nos. 287 - 291; to allow a 20 ft. front street right of way setback for garages and carports in lieu of 22 ft. for lots nos. 260 - 283 and 285 - 291; to allow a 14 ft. front street right of way setback in lieu of 22 ft. for lots nos. 259 and 284; to allow a minimum of 20 ft. from the dwelling/windowed door to the centerline of the travelled way in lieu of the required 47 ft for lot nos. 300 - 399, 403-462; and to amend restriction nos. 2.a, 2.b, and 2.h from zoning case #91-490-A.

HEARING: MONDAY, OCTOBER 7, 1996 at 10:30 a.m. in Room 118, Old Courthouse.


Arnold Jablon
Director

cc: GBC Limited Partnership
Jeffrey H. Scherr, Esq.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 30, 1996

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
Commerce Place, Suite 2600
One South Street
Baltimore, MD 21202-3201

RE: Item No.: 98
Case No.: 97-98-A
Petitioner: GBC Limited Part.

Dear Mr. Scherr:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 29, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that appears to be the official seal of the Zoning Supervisor.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 11, 1996

FROM: Robert A. Wirth *RAW/gp*
DEPRM

SUBJECT: Zoning Item #98 - Villages of Winterset
Zoning Advisory Committee Meeting of September 9, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

RAW:VK:sp

WINTERS/DEPRM/TXTSBP

MICROFILMED

J. Alexander

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: September 19, 1996

FROM: *RWB* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for September 16, 1996
 Item Nos. 094, 096, 097, 098, & 101

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE26

[Handwritten signature]

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/19/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: G.B.C. Limited Partnership

Location: at c/l of proposed runnymede rd., 1850' SE of intersection
Dolfield and Watts Rd. (Village of Winterset; FKA Kent Mar, FKA
Kent Mar, FKA Lyonsfield Run)
Item No.: 098 Zoning Agenda: Variance

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall
be located at proper intervals, along an approved road in
accordance with Baltimore County Standard Design Manual Sec. 2.4.4
Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1991
edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

9-10-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 098 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

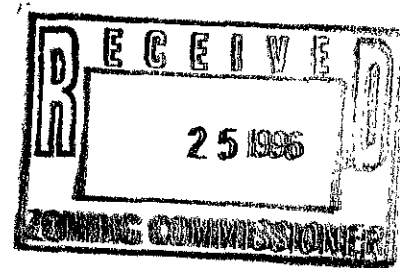
LAW OFFICES
KRAMON & GRAHAM, P. A.
COMMERCE PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030

JEFFREY H. SCHERR
(410) 347-7424

FACSIMILE
(410) 539-1269

November 20, 1996

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
Baltimore County
400 Washington Avenue
Suite 112
Towson, Maryland 21204



Re: Winterset - Variances/Special Exception

Dear Mr. Kotroco:

Enclosed is the Order in the above-referenced matter.

Please let me know if you have any questions or need any further information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Scherr".

Jeffrey H. Scherr

JHS:kts

Enclosure

cc: T. Kevin Carney, President

GBC Limited Partnership (via facsimile w/encl.)

David S. Thaler, P.E., L.S. (via facsimile w/encl.)

Alan E. Scoll, R.L.A. (via facsimile w/encl.)

MICROFILM

IN RE: PETITION FOR VARIANCES
AND SPECIAL EXCEPTION

NW/S Lyons Mill Road
2670'-2970' NE of Marriottsville
Road; SE/S Dolfield Road
(The Villages of Winterset;
formerly known as Kent Mar and
Lyonsfield Run)
2nd Election District
3rd Councilmanic District
Legal Owner: GBC Limited
Partnership

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF
* BALTIMORE COUNTY
*
* Case No.: 97-98-A

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein seeks the following variances:

1. SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDP)
Requires a 40 foot building-to-building separation.

REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF
40'.

-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459

(b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF
40'.

-- LOT NOS. 259-291

2. SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation between
centers of facing windows.

REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.

-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459

(b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.

-- LOT NOS. 259-291

3. V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.

REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE
SETBACK (SIDE ONLY)

-- LOT NOS. 300, 304, 305, 310, 311, 316, 317
322, 323, 326, 327, 331, 332, 337, 338, 343

344, 349, 350, 355, 356, 361, 362, 367, 368
373, 374, 379, 380, 385, 386, 391, 392, 397
398, 404, 405, 407, 408, 412, 413, 418, 419
422, 423, 427, 428, 433, 434, 437, 438, 443
444, 449, 450, 454, 455 and 459.

(b) TO ALLOW A MINIMUM 8' WINDOW-TO-PROPERTY LINE
SETBACK (REAR ONLY)

-- LOT NOS. 300-399, 403-459.

(c) TO ALLOW A MINIMUM 10' WINDOW-TO-PROPERTY LINE
SETBACK (FRONT ONLY)

-- LOT NOS. 300-399, 403-459

(d) TO ALLOW A MINIMUM 4' WINDOW-TO-PROPERTY LINE
(SIDE ONLY)

-- LOT NOS. 259-291.

4. SECTION V.B.6.a. (CNDP)

Requires a 25 foot window-to-street right-of-way setback.

REQUEST: (a) TO ALLOW A MINIMUM 8' WINDOW-TO-STREET
RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS
ONLY).

-- LOT NOS. 310, 311, 322, 343, 344, 355, 356
367, 368, 379, 380, 391, 407, 419, 454, 455

(b) TO ALLOW 10' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'. (SIDE SETBACKS ONLY).

-- LOT NOS. 291 and 259 (SIDE SETBACKS ONLY).

(c) TO ALLOW 14' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'.

-- LOT NOS. 259 and 284 (FRONT SETBACKS ONLY)

5. SECTION 413.1.e.1. (BCZR)

Allows 15 square feet maximum for community identification
signage.

REQUEST: TO ALLOW 864 S.F. OF SIGNAGE IN LIEU OF THE
PERMITTED 720 S.F. GRANTED IN CASE NUMBER
95-131-XA (ADDITION OF 2 DOUBLE FACED FREE
STANDING SIGNS, TOTALLING 144 S.F.)

6. SECTION V.B.7. (CMDP)
Requires a minimum of 500 square feet of private yard space.

REQUEST: TO ALLOW A MINIMUM OF 0 SQUARE FEET OF PRIVATE
YARD SPACE IN LIEU OF 500 SQUARE FEET AND TO ALLOW
A MINIMUM DEPTH OF 0' IN LIEU OF 15'

-- LOT NOS. 300-399 & 403-459
7. SECTION 301.1A (BCZR)
Requires that an open projection not extend beyond 25% of
the minimum required yard depth.

REQUEST: TO ALLOW A SETBACK OF 4' TO THE REAR PROPERTY LINE
FOR AN OPEN PROJECTION (DECK/BALCONY) IN LIEU OF
18.75' REQUIRED (25' MINUS 25% = 18.75')

-- LOT NOS. 300-399 & 403-459
8. SECTION III.F.2. (CMDP)
Requires 2 spaces/unit plus 30% guest (undesignated) parking

REQUEST: TO ALLOW 23% (75 SPACES) GUEST PARKING IN LIEU OF
30% (96 SPACES).
9. SECTION V.B.5.b. (CMDP)
Requires a 30' building-to-tract boundary setback.

REQUEST: TO ALLOW 20' BUILDING-TO-TRACT BOUNDARY IN LIEU OF
30'.

-- LOT NOS. 287-291
10. SECTION 1B01.2.C.2.a. (BCZR) and V.B.5.a. (CMDP)
Requires a 35' window-to-tract boundary setback.

REQUEST: TO ALLOW A 20' WINDOW-TO-TRACT BOUNDARY IN LIEU OF
35'.

-- LOT NOS. 287-291
11. SECTION V.B.8 (CMDP)
Requires a 22 foot front street right-of-way setback for
garages and carports.

REQUEST: (a) TO ALLOW 20' FOOT FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 260-283 & 285-291.

(b) TO ALLOW 14' FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 259 AND 284.

12. SECTION V.B.6.d. (CMDP)
Requires a 47' dwelling to centerline setback.

REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/
WINDOWED DOOR TO THE CENTERLINE OF THE TRAVELLED
WAY IN LIEU OF THE REQUIRED 47'.

-- LOT NOS. 300-399, 403-459.

The Petitioner also seeks to amend Restriction Nos. 2a, 2b and 2h from Zoning Case No. 91-490-1 to allow for the setbacks described above.

The Petitioner is developing the subject parcel in conformity with the concept of a "village." To this end, the Petitioner sought, and was granted, several variances by the Deputy Zoning Commissioner in Case No. 91-490-A. The Petitioner received several additional variances, as well as a special exception to allow the operation of a group child care center, in Case No. 95-131-XA. In this case, the Petitioner seeks to further refine the village concept to allow for the creation of a "mews-type" townhome development, and further to allow for the substitution of additional single family home units in place of certain townhome units as originally proposed.

The variances requested in this case are subject to the zoning regulations that were in existence when this project was first considered in Case No. 91-490-A. Many of the variances sought by Petitioner in this case would be allowed under the present zoning regulations. Further, many of the proposed variances are minor refinements to the variances approved in Case No. 95-131-XA.

The Petitioner was represented by Jeffrey H. Scherr, Esquire. Testifying on the Petitioner's behalf were David S.

Thaler P.E., L.S., D.S. and Alan Scoll, R.L.A., both of D.S. Thaler & Associates, Inc. There were no other appearances or opponents.

With respect to the townhome-related variances, the witnesses testified about the unique nature of the mews concept. Particularly, the townhome area will be constructed as a series of "mews." Each townhome will be fronted by a common area, or "mews," that will be open for use by all residents. This proliferation of open space will encourage community interaction and lessen the impact of automobile traffic. Private drives will run behind each two-car garage townhome to provide automobile access. The witnesses testified that the mews concept will create the atmosphere of a "traditional" neighborhood.

Given the restrictive setback requirements that were in place when Case No. 91-490-A came before the Deputy Zoning Commissioner in 1991, it would be impossible for the Petitioner to develop the mews concept on the subject parcel without the requested variances. Indeed, the mews concept itself requires that each townhome take up virtually its entire lot to allow sufficient space for access to its rear-entry garage. Accordingly, strict compliance with the former regulations would cause practical difficulty to the Petitioner.

The second set of variances is necessitated by Petitioner's intention to place additional single-family homes along Endora Court in place of the originally proposed townhomes. Messrs. Thaler and Scoll testified that the additional single-family homes will provide greater housing diversity in the area, as well as greater continuity with the single-family home

development located on an adjoining parcel. The variances necessitated by the single-family home construction are similar to the variances already granted for single-family home construction on the Winterset site, and the same practical difficulties are present.

In light of the preceding, the Deputy Zoning Commissioner finds that the Petitioner's requested variances 1 through 12 should be granted subject to certain conditions described below. Prior to the hearing in this matter, the Petitioner came to an agreement with the Director of the Office of Planning about certain conditions. Accordingly, the Deputy Zoning Commissioner approves the variances described above subject to the following conditions:

- A. An open space parcel of substantial size will be created by removing house Nos. 460, 461 and 462, and by moving the remaining units, 450 through 459, as far south as practicable to provide for a usable open space. This change is shown on the amended plat which was presented to the Deputy Zoning Commissioner at the hearing.
- B. With regard to setback variance requests that allow for a lesser setback than that which would appear to be necessary upon examination of the site plan, the site plan as submitted will dictate the setback rather than the lesser number. For instance, where an eight foot window to street right-of-way setback in lieu of 25 feet is requested, a building setback shown to be more than eight feet on the site plan will be built in accordance with the site plan rather than the eight feet allowed by the variance.
- C. Screening to block views of parking and alley areas will be provided in accordance with the plans submitted to the Director of the Office of Planning's office on September 25, 1996 and dated September 10, 1996.
- D. The developer will provide covenants restricting conversion of garages to living space.

E. Additional off-street (perpendicular bay) parking spaces will be provided to the extent possible, with a target of 35 to 40 off-street parking spaces.

F. Minimum 10' side yards for end units will be provided whenever possible.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this ____ day of _____, 1996, that the following requested variances are hereby GRANTED subject to the conditions described above:

1. SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDP)
Requires a 40 foot building-to-building separation.

REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF 40'.

-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459

(b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF 40'.

-- LOT NOS. 259-291

2. SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation between centers of facing windows.

REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.

-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459

(b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.

-- LOT NOS. 259-291

3. V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.

REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE SETBACK (SIDE ONLY)

-- LOT NOS. 300, 304, 305, 310, 311, 316, 317
322, 323, 326, 327, 331, 332, 337, 338, 343
344, 349, 350, 355, 356, 361, 362, 367, 368
373, 374, 379, 380, 385, 386, 391, 392, 397
398, 404, 405, 407, 408, 412, 413, 418, 419

422, 423, 427, 428, 433, 434, 437, 438, 443
444, 449, 450, 454, 455 and 459.

(b) TO ALLOW A MINIMUM 8' WINDOW-TO-PROPERTY LINE
SETBACK (REAR ONLY)

-- LOT NOS. 300-399, 403-459.

(c) TO ALLOW A MINIMUM 10' WINDOW-TO-PROPERTY LINE
SETBACK (FRONT ONLY)

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(d) TO ALLOW A MINIMUM 4' WINDOW-TO-PROPERTY LINE
(SIDE ONLY)

-- LOT NOS. 259-291.

4. SECTION V.B.6.a. (CMDP)

Requires a 25 foot window-to-street right-of-way setback.

REQUEST: (a) TO ALLOW A MINIMUM 8' WINDOW-TO-STREET
RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS
ONLY).

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(b) TO ALLOW 10' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'. (SIDE SETBACKS ONLY).

-- LOT NOS. 291 and 259 (SIDE SETBACKS ONLY).

(c) TO ALLOW 14' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'.

-- LOT NOS. 259 and 284 (FRONT SETBACKS ONLY)

5. SECTION 413.1.e.1. (BCZR)

Allows 15 square feet maximum for community identification
signage.

REQUEST: TO ALLOW 864 S.F. OF SIGNAGE IN LIEU OF THE
PERMITTED 720 S.F. GRANTED IN CASE NUMBER
95-131-XA (ADDITION OF 2 DOUBLE FACED FREE
STANDING SIGNS, TALLING 144 S.F.)

6. SECTION V.B.7. (CMDP)

Requires a minimum of 500 square feet of private yard space.

REQUEST: TO ALLOW A MINIMUM OF 0 SQUARE FEET OF PRIVATE
YARD SPACE IN LIEU OF 500 SQUARE FEET AND TO ALLOW
A MINIMUM DEPTH OF 0' IN LIEU OF 15'

-- LOT NOS. 300-399 & 403-459

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Requires that an open projection not extend beyond 25% of the minimum required yard depth.
- REQUEST: TO ALLOW A SETBACK OF 4' TO THE REAR PROPERTY LINE FOR AN OPEN PROJECTION (DECK/BALCONY) IN LIEU OF 18.75' REQUIRED (25' MINUS 25% = 18.75')
- LOT NOS. 300-399 & 403-459
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Requires 2 spaces/unit plus 30% guest (undesignated) parking
- REQUEST: TO ALLOW 23% (75 SPACES) GUEST PARKING IN LIEU OF 30% (96 SPACES).
9. SECTION V.B.5.b. (CMDP)
Requires a 30' building-to-tract boundary setback.
- REQUEST: TO ALLOW 20' BUILDING-TO-TRACT BOUNDARY IN LIEU OF 30'.
- LOT NOS. 287-291
10. SECTION 1B01.2.C.2.a. (BCZR) and V.B.5.a. (CMDP)
Requires a 35' window-to-tract boundary setback.
- REQUEST: TO ALLOW A 20' WINDOW-TO-TRACT BOUNDARY IN LIEU OF 35'.
- LOT NOS. 287-291
11. SECTION V.B.8 (CMDP)
Requires a 22 foot front street right-of-way setback for garages and carports.
- REQUEST: (a) TO ALLOW 20' FOOT FRONT STREET RIGHT-OF-WAY SETBACK IN LIEU OF 22'.
-- LOT NOS. 260-283 & 285-291.
- (b) TO ALLOW 14' FRONT STREET RIGHT-OF-WAY SETBACK IN LIEU OF 22'.
-- LOT NOS. 259 AND 284.
12. SECTION V.B.6.d. (CMDP)
Requires a 47' dwelling to centerline setback.
- REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/ WINDOWED DOOR TO THE CENTERLINE OF THE TRAVELLED WAY IN LIEU OF THE REQUIRED 47'.
- LOT NOS. 300-399, 403-459.

It is further ORDERED that Restriction Nos. 2a, 2b and 2h from Zoning Case No. 91-490-1 are hereby amended to allow for the setbacks described above.

All of the above relief is, however, subject to the following:

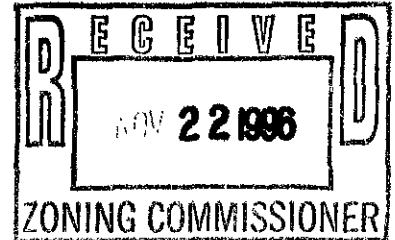
The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such date as the thirty-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said Property to its original condition.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

LAW OFFICES
KRAMON & GRAHAM, P. A.
COMMERCE PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030

FACSIMILE
(410) 539-1269
November 22, 1996

KARL J. NELSON
(410) 347-7434



HAND DELIVERY

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variances and Special Exception

NW/S Lyons Mill Road 2670'-2970' NE of
Marriottsville Road; SE/S Dolfield Road
(The Villages of Winterset; formerly known
as Kent Mar and Lyonsfield Run) 2nd Election
District, 3rd Councilmanic District
Legal Owner: GBC Limited Partnership
Case No.: 97-98-A

Dear Mr. Kotroco:

Enclosed please find amended pages 4 and 10 for the
Petitioner's proposed order. The reason for the amendment is
that Petitioner erroneously labeled the preceding zoning cases
91-490-1 when the proper citation should have been 91-490-A. The
insertion of the proper case number is the only substitution.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to be "KJ Nelson", written over a horizontal line.

Karl J. Nelson

KJN:jes

Enclosure

MICROFILMED

12. SECTION V.B.6.d. (CMDP)
Requires a 47' dwelling to centerline setback.

REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/
WINDOWED DOOR TO THE CENTERLINE OF THE TRAVELLED
WAY IN LIEU OF THE REQUIRED 47'.

-- LOT NOS. 300-399, 403-459.

The Petitioner also seeks to amend Restriction Nos. 2a, 2b and 2h from Zoning Case No. 91-490-A to allow for the setbacks described above.

The Petitioner is developing the subject parcel in conformity with the concept of a "village." To this end, the Petitioner sought, and was granted, several variances by the Deputy Zoning Commissioner in Case No. 91-490-A. The Petitioner received several additional variances, as well as a special exception to allow the operation of a group child care center, in Case No. 95-131-XA. In this case, the Petitioner seeks to further refine the village concept to allow for the creation of a "mews-type" townhome development, and further to allow for the substitution of additional single family home units in place of certain townhome units as originally proposed.

The variances requested in this case are subject to the zoning regulations that were in existence when this project was first considered in Case No. 91-490-A. Many of the variances sought by Petitioner in this case would be allowed under the present zoning regulations. Further, many of the proposed variances are minor refinements to the variances approved in Case No. 95-131-XA.

The Petitioner was represented by Jeffrey H. Scherr, Esquire. Testifying on the Petitioner's behalf were David S.

It is further ORDERED that Restriction Nos. 2a, 2b and 2h from Zoning Case No. 91-490-A are hereby amended to allow for the setbacks described above.

All of the above relief is, however, subject to the following:

The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such date as the thirty-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said Property to its original condition.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

RE: PETITION FOR VARIANCE

Village of Winterset (fka Kent Mar, fka
Lyonsfield Run), at c/l proposed Runny-
mead Road, 1850' SE of intersection of
Dolfield and Watts Road, 2nd Election
District - 3rd Councilmanic

G.B.C. Limited Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-98-A

*

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notice should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 1996, a copy
of the foregoing Entry of Appearance was mailed to Jeffrey H. Scherr,
Esq., Kramon & Graham, 1 South Street, Suite 2600, Baltimore, MD
21202-3201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

T. KEVIN CARNEY

JEFFREY H. SCHERR

D.S. THALER

ALAN SCOLL

10705 CHARTER DR. Suite 450 COLUMBIA, MD 21044

KRAMER & GRATTAN, P.A. ONE SOUTH STREET Suite 2600 21202

7115 AMBASSADOR RD.

BALTIMORE MD 21244

MICROFILMED

D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

PLANNER'S
L. T. 3

October 2, 1996

Baltimore County Maryland
Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

ATTN: Mr. Arnold F. "Pat" Keller, Director

RE: Villages of Winterset
Variance Request
Case #97-98-A (Item #98)

Dear Mr. Keller:

This letter is to serve as a Memorandum of Understanding between the developer, G.B.C. Limited Partnership, and your office. It has recently come to our attention that your office desires certain modifications and conditions to secure your recommendation for approval of the Zoning Variance Petition as filed. Since your request comes on the eve of the Zoning Hearing, at a time when it may or may not be possible to formally amend the plans, Kevin Carney, on behalf of G.B.C. Limited Partnership, has agreed to the following conditions:

1. An open space parcel of substantial size will be created by removing houses No. 460, 461 and 462, and moving the remaining units, 450 through 459, as far south as practicable to provide for a usable open space. This change will be shown on an amended plat which will be presented to the Zoning Commissioner at the hearing with the intention that the amended plat be substituted into the zoning file in lieu of the previously submitted plat. These changes are also subject to review and approval by the Baltimore County Department of Public Works, among other agencies. Plans have been submitted to the Development Plans Review Section, but no response has been received.
2. With regard to setback variance requests that allow for a lesser setback than that which would appear to be necessary upon examination of the Site Plan, the Site Plan as submitted will dictate the setback rather than some lesser number if that lesser number is allowed by

page 2

Mr. Arnold F. "Pat" Keller, Director
October 2, 1996

the Zoning Commissioner. For instance, where an eight foot window to street right-of-way setback in lieu of 25 feet is requested, a building setback shown to be more than eight feet on the Plan will be built in accordance with the Site Plan rather than the eight feet allowed by the Variance. This approach is to avoid the complications that would be caused by trying to amend all of the variance documents to reflect the exact setback required in each individual case.

3. Screening to block views of parking and alley areas will be provided in accordance with the plans submitted to your office on 9/25/96 and dated September 10, 1996.
4. The developer will provide covenants restricting conversion of garages to living space.
5. Additional off-street (perpendicular bay) parking spaces will be provided to the extent possible, with a target of 35 to 40 off-street parking spaces.
6. Minimum 10' side yards for end units will be provided whenever possible.

I trust this letter accurately summarizes the terms and conditions agreed to. Should there be any changes, please contact this office as quickly as possible.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

Alan E. Scoll, R.L.A.

cc: T. Kevin Carney
Jeffrey H. Scherr, Esquire
David S. Thaler, P.E., L.S.
Ervin McDaniel
Wayne Feuerborn
Jeffrey Long

AES/gfl/D#25/Keller/002

MICROFILMED

97-98-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4

Posted for: ZONING CASE 97-98A

Date of Posting: 9/22/96

Petitioner: KEVIN CARNEY, ETAL

Location of property: WINTERSET SUBD. - RUNNYMEADE RD.

Location of Sign: BOTH ENDS RUNNYMEADE RD.,
WHERE HARD SURFACE PAVING ENDS

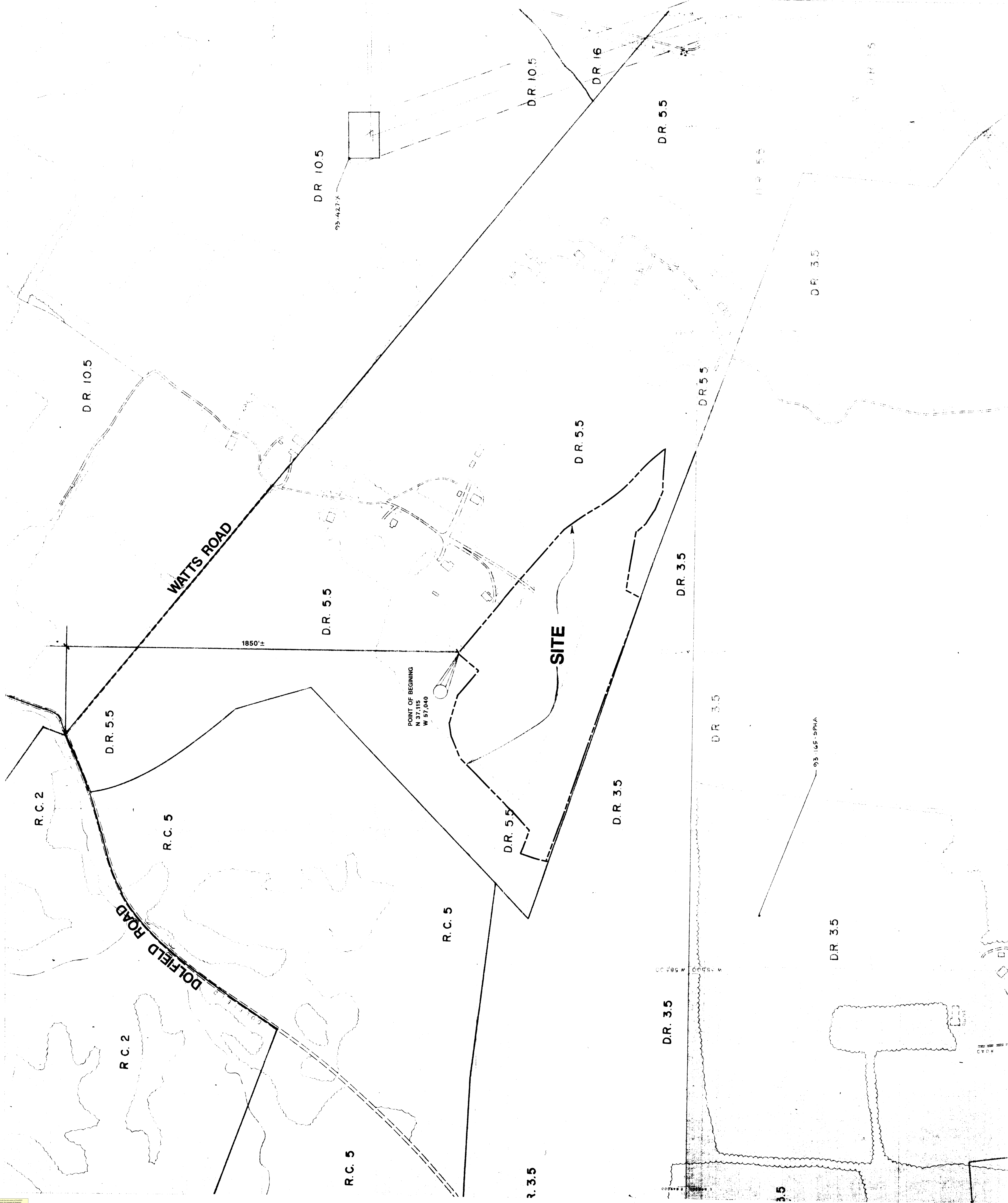
Remarks:

Posted by: Robert M. DeJen

Number of Signs: 2

Date of Posting:

MICROFILMED



97-98-A

#08

Baltimore County 200 Scale Zoning Map
(NW-9J,10J) To Accompany Zoning Petition

VILLAGES OF WINTERSET

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
1111 WILSON ROAD, BALTIMORE, MD 21244
(410) 944-5848, (410) 944-3847



MICROFILMED
MAY, 1996

IN RE: PETITION FOR VARIANCE * BEFORE THE
NW/S Lyons Mill Road, 2670'-2970' NE * DEPUTY ZONING COMMISSIONER
of Marriottsville Road; SE/S *
Dolfield Road (Villages of Winterset) * OF BALTIMORE COUNTY
2nd Election District *
3rd Councilmanic District * Case No. 97-98-A
G.B.C. Limited Partnership *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for several lots in the subdivision known as the Villages of Winterset, which is located southeast of Dolfield Road west of New Town Boulevard in Owings Mills. The Petition was filed by the owners of the property, G.B.C. Limited Partnership, by T. Kevin Carney, President, through their attorney, Jeffrey H. Scherr, Esquire. The Petitioners seek a multitude of variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) which are more particularly described in the Summary of Variance Requests attached to the Petition for Variance filed, and on the site plan submitted which was submitted and accepted into evidence as Petitioner's Exhibit 1. A copy of the Summary of Variance Requests will be attached to the Order issued in this matter. In addition to the variance relief sought, the Petitioners seek approval to amend Restrictions Nos. 2A, 2b, and 2h of the Order issued in prior Case No. 91-490-A to reflect the relief requested in the current case.

Appearing at the hearing on behalf of the Petition were David S. Thaler and Alan Scoll with D. S. Thaler and Associates, Inc., and Jeffrey H. Scherr, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the property which is the subject of this request concerns a 20.29-acre parcel within the Villages of Winterset which is proposed to be developed with a mix of single family dwellings, townhouses and condominiums as shown on the site plan marked as Petitioner's Exhibit 1. The Petitioners propose to develop this parcel in conformity with the concept of a "village". To this end, the Petitioners filed a Petition for Variance seeking relief from the restrictive setback requirements that were in effect in 1991 and were granted same in prior Case No. 91-490-A. Thereafter, the Petitioners were granted a special exception and variance relief for a group child care center in Case No. 95-131-XA. The Petitioners now come before me seeking to further refine the "village" concept to allow for the creation of a "mews-type" townhome development, and to permit the substitution of additional single family home units in place of certain townhome units originally proposed.

The variances requested in the instant case are subject to the zoning regulations that were in existence when this project was first considered in Case No. 91-490-A. Many of the variances sought by the Petitioners in this case would be allowed under the present zoning regulations. Further, many of the proposed variances are minor refinements to the previously approved variances in Case No. 95-131-XA.

With respect to the townhome-related variances sought, the witnesses testified about the unique nature of the "mews" concept. Particularly, the townhome area will be constructed as a series of mews in that each townhome will be fronted by a common area, or "mews" that will be open for use by all residents. This proliferation of open space will encourage community interaction and lessen the impact of automobile traf-

- 2 -

fic. Private driveways will run behind each two-car garage townhome to provide automobile access. The witnesses testified that the "mews" concept will create the atmosphere of a "traditional" neighborhood.

Given the restrictive setback requirements that were in effect when Case No. 91-490-A came before this Deputy Zoning Commissioner in 1991, it would be impossible for the Petitioners to develop the subject parcel in a "mews" format without the requested variances. Indeed, this concept requires that each townhome take up virtually its entire lot to allow sufficient space for access to its rear-entry garage. Accordingly, strict compliance with the former regulations would cause practical difficulty to the Petitioners.

The remaining variances are necessitated by the Petitioners' intention to place additional single-family homes along Endora Court in place of the originally proposed townhomes. Messrs. Thaler and Scoll testified that the additional single-family homes will provide greater housing diversity in the area, as well as greater continuity with the single-family home development located on the adjoining parcel. The variances necessitated by the single-family home construction are similar to the variances already granted for single-family home construction on the Winterset site, and the same practical difficulties are present.

It should also be noted that prior to the hearing in this matter, the Office of Planning raised some issues concerning the relief requested. The Petitioners indicated at the hearing that an agreement had been reached with the Office of Planning, and that the relief requested should be granted, subject to certain terms and conditions, which will be incorporated at the end of this Order as restrictions to the relief granted.

- 3 -

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

- 4 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of November, 1996 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) in accordance with the Summary of Variance Requests attached hereto and to amend Restrictions Nos. 2A, 2b, and 2h of the Order issued in prior Case No. 91-490-A to reflect the relief requested in the current case, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) An open space parcel of substantial size will be created by removing house Nos. 460, 461 and 462, and by moving the remaining units, house Nos. 450 through 459, as far south as practicable to provide for a useable open space. This change is shown on the amended site plan submitted into evidence as Petitioner's Exhibit 1.
- 3) With regard to setback variance requests that allow for a lesser setback than that which would appear to be necessary upon examination of the site plan, the site plan as submitted will dictate the setback rather than the lesser number. For instance, where a window to street right-of-way setback of 8 feet in lieu of the required 25 feet is requested, a building setback shown to be more than 8 feet on the site plan will be built in accordance with the site plan rather than the 8 feet allowed by the variance.
- 4) Screening to block views of parking and alley areas will be provided in accordance with the plans submitted to the Director of the Office of Planning on September 25, 1996 and dated September 10, 1996.

- 5 -

5) The developer will provide covenants restricting conversion of garages to living space.

6) When applying for any building permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 27, 1996

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
Commerce Place, Suite 2600
One South Street
Baltimore, Maryland 21202-3201

RE: PETITION FOR VARIANCE
NW/S Lyons Mill Road, 2670'-2970' NE of Marriottsville Road;
SE/S Dolfield Road (Villages of Winterset)
2nd Election District - 3rd Councilmanic District
G.B.C. Limited Partnership - Petitioner
Case No. 97-98-A

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. T. Kevin Carney, President, G.B.C. Limited Partnership
10705 Charter Drive, Columbia, Md. 21044

Messrs. David S. Thaler & Alan Scoll, D.S. Thaler & Assoc., Inc.
7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel

File

IN RE: PETITION FOR VARIANCES * BEFORE THE
AND SPECIAL EXCEPTION * DEPUTY ZONING
COMMISSIONER
NW/S Lyons Mill Road *
2670'-2970' NE of Marriottsville *
Road; SE/S Dolfield Road *
(The Villages of Winterset; *
formerly known as Kent Mar and *
Lyonsfield Run) *
2nd Election District *
3rd Councilmanic District *
Legal Owner: GBC Limited *
Partnership * Case No.: 97-98-A

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein seeks the following variances:

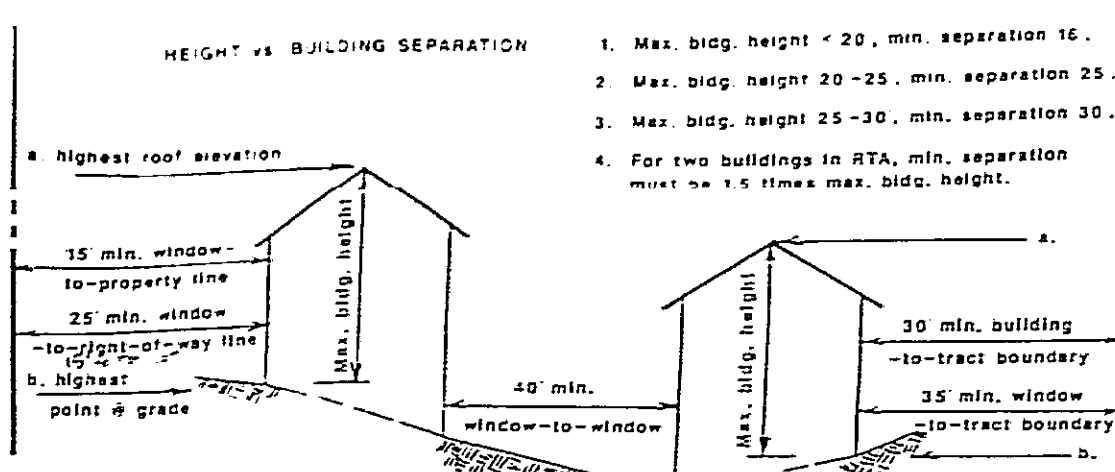
1. SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDD)
Requires a 40 foot building-to-building separation.
REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF 40'.
-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459
(b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF 40'.
-- LOT NOS. 259-291
2. SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDD)
Requires a 40 foot window-to-window separation between centers of facing windows.
REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.
-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459
(b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.
-- LOT NOS. 259-291
3. V.B.6.b. (CMDD)
Requires a 15 foot window-to-property line setback.
REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE SETBACK (SIDE ONLY)
-- LOT NOS. 300, 304, 305, 310, 311, 316, 317
322, 323, 326, 327, 331, 332, 337, 338, 343

hjs/vlenness/vdenness

Table 1 Demographic characteristics of study population

WINTERSET

SIGN ELEVATION



HEIGHT TO HEIGHT DETAIL

NO SCALE

RUNNYMEADE ROAD

COURT

NEW TOWN BOULEVARD

RUNNYMEADE

LOCATION MAP

THE VILLAGES OF WINTERSET
SECTION ONE
PLAT 3 OF 4
S.M. 67/106

TRUFFLE LANE

HAVEN

LAKE

FOREST BUTTER BASEMENT

ROLLING RIDGE
SECTION FIVE
S.M. 65/21

DR 3.5

N 60°42'27" W 274.74'

N 42°43'54" W 47.93'

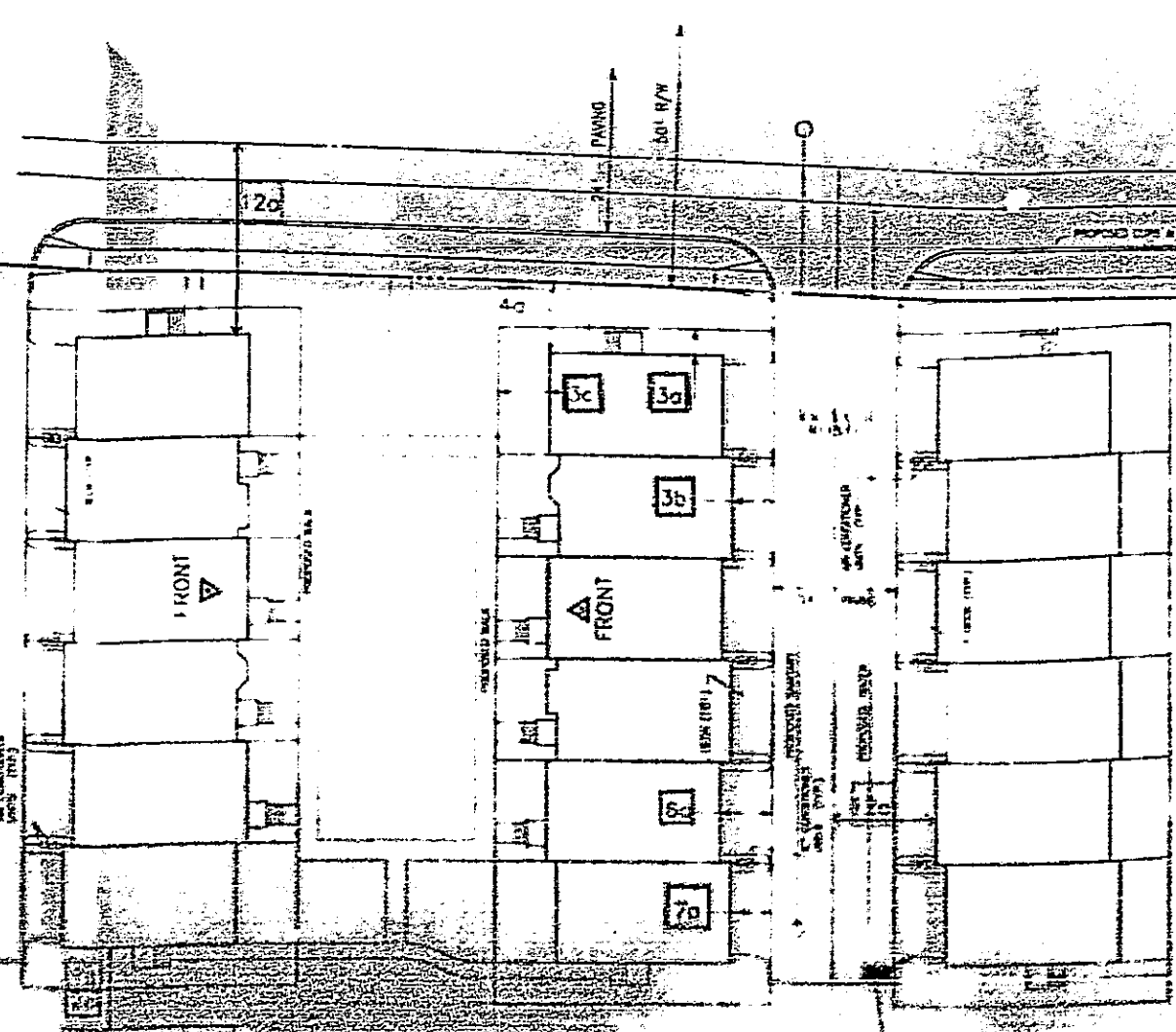
S 56°10'22" W 80.57'

THE VILLAGES OF WINTERSET
SECTION ONE
PLAT 3 OF 4
S.M. 67/107

ILLUSTRATIVE SUMMARY OF
SINGLE FAMILY LOT VARIANCE REQUESTS

(SEE PETITION FOR VARIANCE REQUEST)

NO SCALE



ILLUSTRATIVE SUMMARY OF TOWNHOUSE VARIANCE REQUESTS

2. RED LINE TO CASE NO. 91-490-A, APRIL 18, 1994

3. DRC REFINEMENT #08154E DIST.2C3, AUGUST 15, 1994
4. CASE NO. 95-131-XA, DECEMBER 7, 1994

5. DRC #12274G, FEBRUARY 27, 1995.
REFINEMENT TO CRG: LOT LINE ADJUSTMENTS.
6. DRC #03275L, DIST 2C3, MARCH 27, 1995.
REFINEMENT TO CRG: LOT LINE ADJUSTMENTS;
EXTEND WATTS ROAD
7. DRC #04105E, DIST 2C3, APRIL 17, 1995.
REFINEMENT TO CRG: REPLACE TRADITIONAL
TOWNHOUSES WITH REAR GARAGE TOWNHOUSES.
8. SPIRIT & INTENT REQUEST CASE #95-131-XA, JUNE 15, 1995

SUMMARY OF VARIANCE REQUESTS

VARIANCE #1

SECTION 100.1 (C) & (D) (CRG) and V.B.B. (CRG)

Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.

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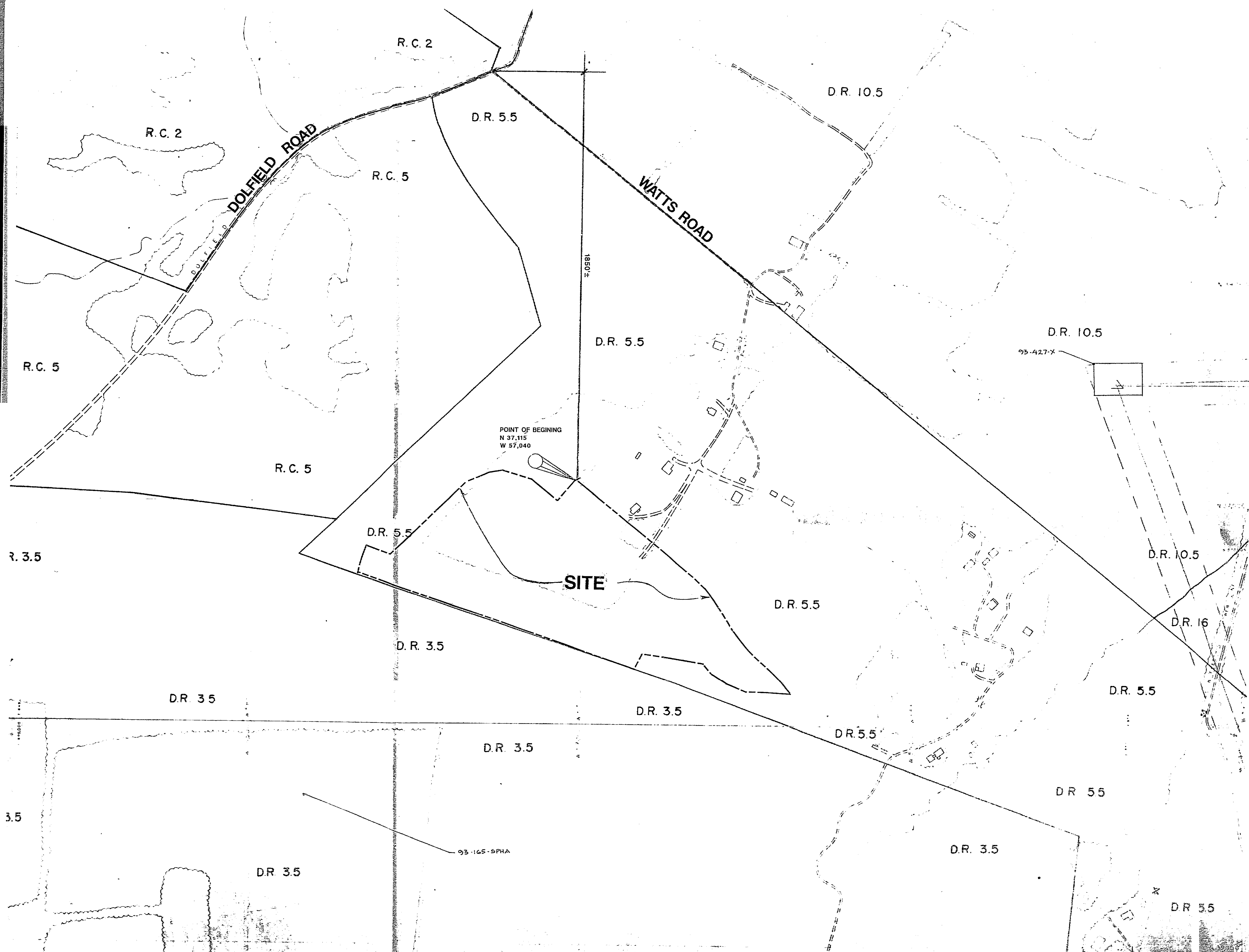
Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.

Request: To allow 20' building-to-building in lieu of 40'.



97-98-A
#08

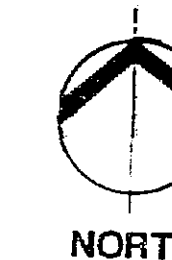
Baltimore County 200 Scale Zoning Map
(NW-9J,10J) To Accompany Zoning Petition

VILLAGES OF WINTERSET

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410)944-ENGR, (410)944-3647



SCALE: 1"=200'



NORTH

MAY, 1996

- 344, 349, 350, 355, 356, 361, 362, 367, 368
373, 374, 379, 380, 385, 386, 391, 392, 397
398, 404, 405, 407, 408, 412, 413, 418, 419
422, 423, 427, 428, 433, 434, 437, 438, 443
444, 449, 450, 454, 455 and 459.
- (b) TO ALLOW A MINIMUM 8' WINDOW-TO-PROPERTY LINE
SETBACK (REAR ONLY)
-- LOT NOS. 300-399, 403-459.
- (c) TO ALLOW A MINIMUM 10' WINDOW-TO-PROPERTY LINE
SETBACK (FRONT ONLY)
-- LOT NOS. 300-399, 403-459
- (d) TO ALLOW A MINIMUM 4' WINDOW-TO-PROPERTY LINE
(SIDE ONLY)
-- LOT NOS. 259-291.
4. SECTION V.B.6.a. (CMDF)
Requires a 25 foot window-to-street right-of-way setback.
REQUEST: (a) TO ALLOW A MINIMUM 8' WINDOW-TO-STREET
RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS
ONLY).
-- LOT NOS. 310, 311, 322, 343, 344, 355, 356
367, 368, 379, 380, 391, 407, 419, 454, 455
(b) TO ALLOW 10' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'. (SIDE SETBACKS ONLY).
-- LOT NOS. 291 and 259 (SIDE SETBACKS ONLY).
(c) TO ALLOW 14' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'.
-- LOT NOS. 259 and 284 (FRONT SETBACKS ONLY)
5. SECTION 413.1.e.1. (BCZR)
Allows 15 square feet maximum for community identification
signage.
REQUEST: TO ALLOW 864 S.F. OF SIGNAGE IN LIEU OF THE
PERMITTED 720 S.F. GRANTED IN CASE NUMBER
95-131-XA (ADDITION OF 2 DOUBLE FACED FREE
STANDING SIGNS, TOTALLING 144 S.F.)

6. SECTION V.B.7. (CMDF)
Requires a minimum of 500 square feet of private yard space.
REQUEST: TO ALLOW A MINIMUM OF 0 SQUARE FEET OF PRIVATE
YARD SPACE IN LIEU OF 500 SQUARE FEET AND TO ALLOW
A MINIMUM DEPTH OF 0' IN LIEU OF 15'
-- LOT NOS. 300-399 & 403-459
7. SECTION 301.1A (BCZR)
Requires that an open projection not extend beyond 25% of
the minimum required yard depth.
REQUEST: TO ALLOW A SETBACK OF 4' TO THE REAR PROPERTY LINE
FOR AN OPEN PROJECTION (DECK/BALCONY) IN LIEU OF
18.75' REQUIRED (25' MINUS 25% = 18.75')
-- LOT NOS. 300-399 & 403-459
8. SECTION III.F.2. (CMDF)
Requires 2 spaces/unit plus 30% guest (undesignated) parking
REQUEST: TO ALLOW 23% (75 SPACES) GUEST PARKING IN LIEU OF
30% (96 SPACES).
9. SECTION V.B.5.b. (CMDF)
Requires a 30' building-to-tract boundary setback.
REQUEST: TO ALLOW 20' BUILDING-TO-TRACT BOUNDARY IN LIEU OF
30'.
-- LOT NOS. 287-291
10. SECTION 1B01.2.C.2.a. (BCZR) and V.B.5.a. (CMDF)
Requires a 35' window-to-tract boundary setback.
REQUEST: TO ALLOW A 20' WINDOW-TO-TRACT BOUNDARY IN LIEU OF
35'.
-- LOT NOS. 287-291
11. SECTION V.B.8 (CMDF)
Requires a 22 foot front street right-of-way setback for
garages and carports.
REQUEST: (a) TO ALLOW 20' FOOT FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 260-283 & 285-291.
(b) TO ALLOW 14' FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 259 AND 284.

12. SECTION V.B.6.d. (CMDF)
Requires a 47' dwelling to centerline setback.
REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/
WINDOWED DOOR TO THE CENTERLINE OF THE TRAVELLED
WAY IN LIEU OF THE REQUIRED 47'.
-- LOT NOS. 300-399, 403-459.
- The Petitioner also seeks to amend Restriction Nos. 2a, 2b and 2h
from Zoning Case No. 91-490-A to allow for the setbacks described
above.
- The Petitioner is developing the subject parcel in
conformity with the concept of a "village." To this end, the
Petitioner sought, and was granted, several variances by the
Deputy Zoning Commissioner in Case No. 91-490-A. The Petitioner
received several additional variances, as well as a special
exception to allow the operation of a group child care center, in
Case No. 95-131-XA. In this case, the Petitioner seeks to
further refine the village concept to allow for the creation of a
"mews-type" townhome development, and further to allow for the
substitution of additional single family home units in place of
certain townhome units as originally proposed.
- The variances requested in this case are subject to the
zoning regulations that were in existence when this project was
first considered in Case No. 91-490-A. Many of the variances
sought by Petitioner in this case would be allowed under the
present zoning regulations. Further, many of the proposed
variances are minor refinements to the variances approved in Case
No. 95-131-XA.
- The Petitioner was represented by Jeffrey H. Scherr,
Esquire. Testifying on the Petitioner's behalf were David S.

Thaler P.E., L.S., D.S. and Alan Scoll, R.L.A., both of D.S.
Thaler & Associates, Inc. There were no other appearances or
opponents.

With respect to the townhome-related variances, the
witnesses testified about the unique nature of the mews concept.
Particularly, the townhome area will be constructed as a series
of "mews." Each townhome will be fronted by a common area, or
"mews," that will be open for use by all residents. This
proliferation of open space will encourage community interaction
and lessen the impact of automobile traffic. Private drives will
run behind each two-car garage townhome to provide automobile
access. The witnesses testified that the mews concept will
create the atmosphere of a "traditional" neighborhood.

Given the restrictive setback requirements that were in
place when Case No. 91-490-A came before the Deputy Zoning
Commissioner in 1991, it would be impossible for the Petitioner
to develop the mews concept on the subject parcel without the
requested variances. Indeed, the mews concept itself requires
that each townhome take up virtually its entire lot to allow
sufficient space for access to its rear-entry garage.
Accordingly, strict compliance with the former regulations would
cause practical difficulty to the Petitioner.

The second set of variances is necessitated by
Petitioner's intention to place additional single-family homes
along Endora Court in place of the originally proposed townhomes.
Messrs. Thaler and Scoll testified that the additional single-
family homes will provide greater housing diversity in the area,
as well as greater continuity with the single-family home

development located on an adjoining parcel. The variances
necessitated by the single-family home construction are similar
to the variances already granted for single-family home
construction on the Winterset site, and the same practical
difficulties are present.

In light of the preceding, the Deputy Zoning
Commissioner finds that the Petitioner's requested variances 1
through 12 should be granted subject to certain conditions
described below. Prior to the hearing in this matter, the
Petitioner came to an agreement with the Director of the Office
of Planning about certain conditions. Accordingly, the Deputy
Zoning Commissioner approves the variances described above
subject to the following conditions:

- A. An open space parcel of substantial size will be
created by removing house Nos. 460, 461 and 462,
and by moving the remaining units, 450 through
459, as far south as practicable to provide for a
usable open space. This change is shown on the
amended plat which was presented to the Deputy
Zoning Commissioner at the hearing.
- B. With regard to setback variance requests that
allow for a lesser setback than that which would
appear to be necessary upon examination of the
site plan, the site plan as submitted will dictate
the setback rather than the lesser number. For
instance, where an eight foot window to street
right-of-way setback in lieu of 25 feet is
requested, a building setback shown to be more
than eight feet on the site plan will be built in
accordance with the site plan rather than the
eight feet allowed by the variance.
- C. Screening to block views of parking and alley
areas will be provided in accordance with the
plans submitted to the Director of the Office of
Planning's office on September 25, 1996 and dated
September 10, 1996.
- D. The developer will provide covenants restricting
conversion of garages to living space.

- E. Additional off-street (perpendicular bay) parking
spaces will be provided to the extent possible,
with a target of 35 to 40 off-street parking
spaces.
- F. Minimum 10' side yards for end units will be
provided whenever possible.
- Therefore, IT IS ORDERED by the Deputy Zoning
Commissioner for Baltimore County this ____ day of _____,
1996, that the following requested variances are hereby GRANTED
subject to the conditions described above:
1. SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDF)
Requires a 40 foot building-to-building separation.
REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF
40'.
-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459
(b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF
40'.
-- LOT NOS. 259-291
2. SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDF)
Requires a 40 foot window-to-window separation between
centers of facing windows.
REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.
-- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459
(b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.
-- LOT NOS. 259-291
3. V.B.6.b. (CMDF)
Requires a 15 foot window-to-property line setback.
REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE
SETBACK (SIDE ONLY)
-- LOT NOS. 300, 304, 305, 310, 311, 316, 317
322, 323, 326, 327, 331, 332, 337, 338, 343
344, 349, 350, 355, 356, 361, 362, 367, 368
373, 374, 379, 380, 385, 386, 391, 392, 397
398, 404, 405, 407, 408, 412, 413, 418, 419

- 422, 423, 427, 428, 433, 434, 437, 438, 443
444, 449, 450, 454, 455 and 459.
- (b) TO ALLOW A MINIMUM 8' WINDOW-TO-PROPERTY LINE
SETBACK (REAR ONLY)
-- LOT NOS. 300-399, 403-459.
- (c) TO ALLOW A MINIMUM 10' WINDOW-TO-PROPERTY LINE
SETBACK (FRONT ONLY)
-- LOT NOS. 300-399, 403-459
- (d) TO ALLOW A MINIMUM 4' WINDOW-TO-PROPERTY LINE
(SIDE ONLY)
-- LOT NOS. 259-291.
4. SECTION V.B.6.a. (CMDF)
Requires a 25 foot window-to-street right-of-way setback.
REQUEST: (a) TO ALLOW A MINIMUM 8' WINDOW-TO-STREET
RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS
ONLY).
-- LOT NOS. 310, 311, 322, 343, 344, 355, 356
367, 368, 379, 380, 391, 407, 419, 454, 455
(b) TO ALLOW 10' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'. (SIDE SETBACKS ONLY).
-- LOT NOS. 291 and 259 (SIDE SETBACKS ONLY).
(c) TO ALLOW 14' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'.
-- LOT NOS. 259 and 284 (FRONT SETBACKS ONLY)
5. SECTION 413.1.e.1. (BCZR)
Allows 15 square feet maximum for community identification
signage.
REQUEST: TO ALLOW 864 S.F. OF SIGNAGE IN LIEU OF THE
PERMITTED 720 S.F. GRANTED IN CASE NUMBER
95-131-XA (ADDITION OF 2 DOUBLE FACED FREE
STANDING SIGNS, TOTALLING 144 S.F.)
6. SECTION V.B.7. (CMDF)
Requires a minimum of 500 square feet of private yard space.
REQUEST: TO ALLOW A MINIMUM OF 0 SQUARE FEET OF PRIVATE
YARD SPACE IN LIEU OF 500 SQUARE FEET AND TO ALLOW
A MINIMUM DEPTH OF 0' IN LIEU OF 15'
-- LOT NOS. 300-399 & 403-459

7. SECTION 301.1A (BCZR)
Requires that an open projection not extend beyond 25% of
the minimum required yard depth.
REQUEST: TO ALLOW A SETBACK OF 4' TO THE REAR PROPERTY LINE
FOR AN OPEN PROJECTION (DECK/BALCONY) IN LIEU OF
18.75' REQUIRED (25' MINUS 25% = 18.75')
-- LOT NOS. 300-399 & 403-459
8. SECTION III.F.2. (CMDF)
Requires 2 spaces/unit plus 30% guest (undesignated) parking
REQUEST: TO ALLOW 23% (75 SPACES) GUEST PARKING IN LIEU OF
30% (96 SPACES).
9. SECTION V.B.5.b. (CMDF)
Requires a 30' building-to-tract boundary setback.
REQUEST: TO ALLOW 20' BUILDING-TO-TRACT BOUNDARY IN LIEU OF
30'.
-- LOT NOS. 287-291
10. SECTION 1B01.2.C.2.a. (BCZR) and V.B.5.a. (CMDF)
Requires a 35' window-to-tract boundary setback.
REQUEST: TO ALLOW A 20' WINDOW-TO-TRACT BOUNDARY IN LIEU OF
35'.
-- LOT NOS. 267-291
11. SECTION V.B.8 (CMDF)
Requires a 22 foot front street right-of-way setback for
garages and carports.
REQUEST: (a) TO ALLOW 20' FOOT FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 260-283 & 285-291.
(b) TO ALLOW 14' FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
-- LOT NOS. 259 AND 284.
12. SECTION V.B.6.d. (CMDF)
Requires a 47' dwelling to centerline setback.
REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/
WINDOWED DOOR TO THE CENTERLINE OF THE TRAVELLED
WAY IN LIEU OF THE REQUIRED 47'.
-- LOT NOS. 300-399, 403-459.

It is further ORDERED that Restriction Nos. 2a, 2b and 2h from Zoning Case No. 91-490-A are hereby amended to allow for the setbacks described above.

All of the above relief is, however, subject to the following:

The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such date as the thirty-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said Property to its original condition.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

LAW OFFICES
KRAMON & GRAHAM, P.A.
COMMERCIAL PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030
FACSIMILE
(410) 539-1069

November 25, 1996

HAND DELIVERY

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variances and Special Exception

NW/S Lyons Mill Road 2670'-2970' NE of
Marriottsville Road; SE/S Dolfield Road
(The Villages of Winterset, formerly known
as Kent Mar and Lyonsfield Run) 2nd Election
District, 3rd Councilmanic District
Legal Owner: GBC Limited Partnership
Case No.: 97-98-A

Dear Mr. Kotroco:

Pursuant to my telephone conversation with Betty of
your office, enclosed please find the proposed Order for the
above-referenced case.

Thank you for your consideration of this matter.

Very truly yours,

Karl J. Nelson

KJN:jes

Enclosure



Petition for Variance
97-98-A
to the Zoning Commissioner of Baltimore County

for the property located at The Village at Winterset, see attached plat
which is presently zoned D.R.3.5/D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached
hereto and made a part hereof, hereby petition for a Variance from Section(s) former § 1801.2.C.1, et seq. of the
Baltimore County Zoning Regulations. The individual variance requests, including
BCZR and QMD preferences, are set forth in detail in the attached Summary of
Variance Requests.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or
practical difficulty)

See attached Justification Statement

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to
be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Lender

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Jeffrey H. Scherr, Esquire

(Type or Print Name)

Kramon & Graham, P.A.

Commerce Place, Suite 2600

One South Street

Baltimore, Maryland 21202-3201

(410) 752-6030

(410) 539-1069

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date

ALL OTHER

REVIEWED BY

DATE

Printed with Soybean Ink
on Recycled Paper

We do solemnly declare and affirm, under the penalties of perjury, that we are the
legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

G.B.C. Limited Partnership

(Type or Print Name)

Signature

T. Kevin Carney, President

(Type or Print Name)

Signature

10705 Charter Drive

(410) 740-5335

Address

Columbia, Maryland 21044

Phone No

Having, address and phone number of respondent to be contacted

Jeffrey H. Scherr, Esquire

Kramon & Graham, P.A.

Commerce Place, Suite 2600

One South Street

Baltimore, MD

(410) 752-6030

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date

ALL OTHER

REVIEWED BY

DATE

ORIGINAL FILED FOR FILING
Date 11/27/96
By [Signature]



ORIGINAL FILED FOR FILING
Date 11/27/96
By [Signature]

SUMMARY OF VARIANCE REQUESTS
TO ACCOMPANY THE PETITION OF
GBC LIMITED PARTNERSHIP

97-98-A

VARIANCE (1) SECTION 1801.2.C.1 (BCZR) and V.B.3 (CMDF)
Requires a 40 foot building-to-building separation.

REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459, 460

(b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. 259-291

VARIANCE (2) SECTION 1801.2.C.2.b. (BCZR) and V.B.6.c. (CMDF)
Requires a 40 foot window-to-window separation
between centers of facing windows.

REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. 304, 326-327, 404-405, 422-423
433-434, 438-443, 444-449, 450, 459, 460

(b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. 259-291

VARIANCE (3) V.B.6.b. (CMDF)
Requires a 15 foot window-to-property line setback.

REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE
SETBACK (SIDE ONLY)

- LOT NOS. 300, 304, 305, 310, 311, 316, 317

322, 323, 326, 327, 331, 332, 337, 338, 343

344, 349, 350, 355, 356, 361, 362, 367, 368

373, 374, 379, 380, 385, 386, 391, 392, 397

398, 404, 405, 407, 408, 412, 413, 418, 419,

422, 423, 427, 428, 433, 434, 437, 438, 443,

444, 449, 450, 454, 455, 459, 460 and 462.

(b) TO ALLOW A MINIMUM 8' WINDOW-TO-PROPERTY LINE
SETBACK (REAR ONLY)

- LOT NOS. 300-399, 403-462.

(c) TO ALLOW A MINIMUM 10' WINDOW-TO-PROPERTY LINE
SETBACK (FRONT ONLY)

- LOT NOS. 300-399, 403-462

(d) TO ALLOW A MINIMUM 4' WINDOW-TO-PROPERTY LINE
(SIDE ONLY)

LOT NOS. 259-291.

ORIGINAL FILED FOR FILING
Date 11/27/96
By [Signature]

Winterset Variance Requests
Petitioner GBC Limited Partnership
Page 2

VARIANCE (4) SECTION V.B.6.a. (CMDF)
Requires a 25 foot window-to-street right-of-way
setback.

REQUEST: (a) TO ALLOW A MINIMUM 8' WINDOW-TO-STREET
RIGHT-OF-WAY IN LIEU OF 25'. (SIDE SETBACKS
ONLY)
- LOT NOS. 310, 311, 322, 343, 344, 355, 356,
367, 368, 379, 380, 391, 407, 419, 454, 455

(b) TO ALLOW 10' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'. (SIDE SETBACKS ONLY).
- LOT NOS. 291 and 299 (SIDE SETBACKS ONLY).

(c) TO ALLOW 14' WINDOW-TO-STREET RIGHT-OF-WAY IN
LIEU OF 25'.
- LOT NOS. 259 and 284 (FRONT SETBACKS ONLY)

VARIANCE (5) SECTION 413.1.e.1. (BCZR)
Allows 15 square feet maximum for community
identification signage.

REQUEST: TO ALLOW 864 S.F. OF SIGNAGE IN LIEU OF THE PERMITTED
720 S.F. GRANTED IN CASE #95-131-XA (ADDITION OF 2
DOUBLE FACED FREE STANDING SIGNS, TOTALLING 144 S.F.)

VARIANCE (6) SECTION V.B.7. (CMDF)
Requires a minimum of 500 square feet of private yard
space.

REQUEST: TO ALLOW A MINIMUM OF 0 SQUARE FEET OF PRIVATE YARD
SPACE IN LIEU OF 500 SQUARE FEET AND TO ALLOW A
MINIMUM DEPTH OF 0' IN LIEU OF 15'.
- LOT NOS. 300-399 & 403-462

VARIANCE (7) SECTION 301.1A (BCZR)
Requires that an open projection not extend beyond
25% of the minimum required yard depth.

REQUEST: TO ALLOW A SETBACK OF 4' TO THE REAR PROPERTY LINE
FOR AN OPEN PROJECTION (DECK/BALCONY) IN LIEU OF
18.75' REQUIRED (25' MINUS 25% = 18.75')
- LOT NOS. 300-399 & 403-462

VARIANCE (8) SECTION III.F.2. (CMDF)
Requires 2 spaces/unit plus 30% guest (undesignated)
parking

REQUEST: TO ALLOW 23% (75 SPACES) GUEST PARKING IN LIEU OF 30%
(96 SPACES).

ORIGINAL FILED FOR FILING
Date 11/27/96
By [Signature]

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Winterset Variance Requests
Petitioner GBC Limited Partnership
Page 3

VARIANCE (9) SECTION V.B.5.b. (CMDF)
Requires a 30' building-to-tract boundary setback.

REQUEST: TO ALLOW 20' BUILDING-TO-TRACT BOUNDARY IN LIEU OF
30'.
- LOT NOS. 287-291

VARIANCE (10) SECTION 1801.2.C.2.a. (BCZR) and V.B.5.a. (CMDF)
Requires a 35' window-to-tract boundary setback.

REQUEST: TO ALLOW A 20' WINDOW-TO-TRACT BOUNDARY IN LIEU OF
35'.
- LOT NOS. 287-291

VARIANCE (11) SECTION V.B.8 (CMDF)
Requires a 22 foot front street right-of-way
setback for garages and carports.

REQUEST: (a) TO ALLOW 20' FOOT FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
- LOT NOS. 260-283 & 285-291.

(b) TO ALLOW 14' FRONT STREET RIGHT-OF-WAY
SETBACK IN LIEU OF 22'.
- LOT NOS. 259 AND 284.

VARIANCE (12) SECTION V.B.6.d. (CMDF)
Requires a 47' dwelling to centerline setback.

REQUEST: TO ALLOW A MINIMUM OF 20' FROM THE DWELLING/WINDOWED
DOOR TO THE CENTERLINE OF THE TRAVELLED WAY IN LIEU
OF THE REQUIRED 47'.
- LOT NOS. 300-399, 403-462.

ORIGINAL FILED FOR FILING
Date 11/27/96
By [Signature]

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**JUSTIFICATION STATEMENT TO ACCOMPANY
VARIANCE PETITION OF
GBC LIMITED PARTNERSHIP**

97-98-A

Petitioner, GBC Limited Partnership, is the owner and
developer of a subdivision in the Owings Mills section of Baltimore
County known as The Villages of Winterset ("Winterset"). Winterset
is unique in that it manifests characteristics of both a
traditional village and a modern community. This novel concept has
been endorsed and supported by the Office of Planning and Zoning
because it incorporates open spaces, pedestrian-friendly streets,
walkways and recreation areas, as well as both townhomes and single
family homes, on a site that is 30%-40% wetland, flood plain and
related forest area.

Petitioner's current request reflects a revision of its
proposal for the final segment of Winterset to allow for innovative
townhomes and additional single family homes. This revision
requires three types of variances. The first set of variances is
necessitated by the innovative "mews"-type townhouse configuration
described in detail below. The second set of variances arises from
the addition of single family homes on the western portion of
Endora Court, in place of the originally proposed townhomes. The
final variance concerns additional signage requirements.

The Winterset project first came before the Zoning
Commissioner's Office in 1991, when Petitioner sought variances to
allow the construction of this unique village-type development.
These variances were granted by Order of the Deputy Zoning
Commissioner in Case No. 91-490-A.

KJN\winterset\justify1

GBC Limited Partnership
Justification Statement
Page 2

In 1994, Petitioner sought to amend several of the
original variances to better facilitate the village concept.
Petitioner also sought a special exception to operate a daycare
center. This relief was granted by the Deputy Zoning Commissioner
in Case No. 95-131-XA.

Petitioner now seeks to develop another section of
Winterset. Since the original Winterset filing in 1991, Petitioner
has continued to refine and develop its village concept. It now
petitions the Zoning Commissioner's Office for the following
variances to facilitate the creation of a truly novel residential
area.

The first group of variances relates to the townhome
portion of the development. The hallmark of the townhome area will
be the construction of a series of "mews." In this concept,
private drives will run behind the two-car garage townhomes. No
streets will run in front of the townhomes. Instead, each townhome
will be fronted by a common area, or "mews," that will be open for
use by all residents. The mews-type development will encourage
community interaction by creating free space in front of the homes.
The intermingling of pedestrian and automobile traffic will be
discouraged by the private rear-entry driveways.

Given the space constraints associated with the parcel in
question and the mews concept itself, the mews proposal will

KJN\winterset\justify1

(Revised 04/09/93)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 9, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-98-A (Item 58)
Village of Winterset, FKA Kent Mar, FKA Lyonsfield Run
at c/l proposed Runnymede Road, 1850' SE of Intersection Dolfield and Watts Road
2nd Election District - 3rd Councilmanic
Legal Owner(s): G.B.C. Limited Partnership

Variance to allow a 20 ft. building-to-building separation in lieu of 40 feet for lots nos. 304, 306, 327, 349, 367, 422, 423, 433, 434, 438, 443, 444, 449, 450, 455, 460; to allow a 15 ft. window to window separation in lieu of 40 ft. for lots nos. 229-291; to allow 30 ft. window to window separation in lieu of 40 ft. for lots nos. 304, 326, 327, 404-405, 422-423, 433-434, 438-443, 444-449, 450, 459, 460; to allow 15 ft. building to building separation in lieu of 40 ft. for lots nos. 229 - 291; to allow a minimum 5 ft. window to property line setback (side only) for lots nos. 304, 306, 309, 310, 311, 316, 317, 322, 323, 326, 327, 331, 332, 337, 338, 343, 344, 349, 350, 355, 356, 361, 362, 367, 368, 373, 374, 379, 380, 385, 386, 391, 392, 397, 398, 404, 405, 407, 408, 412, 413, 418, 419, 422, 423, 427, 428, 433, 434, 437, 438, 443, 444, 449, 450, 454, 455, 459, 460 and 462; to allow a minimum 8 ft. window to property line setback (rear only) for lots nos. 300-399, and 403 - 462; to allow a minimum 10 ft. window to property line setback (front only) for lots nos. 400 - 399 and 403-462; to allow a minimum 4 ft. window to property line (side only) for lots nos. 259 - 291; to allow a minimum 8 ft. window to street right of way in lieu of 25 ft. (side setbacks only) for lots nos. 310, 311, 322, 343, 344, 359, 366, 367, 368, 375, 380, 381, 407, 419, 454, 455; to allow a 10 ft. window to street right of way in lieu of 25 ft. (side setbacks only) for lot nos. 281 and 289; to allow 14 ft. window to street right of way in lieu of 25 ft. for lot nos. 229 and 284 (front setbacks only); to allow 664 sq. ft. of signage in lieu of the permitted 720 sq. ft. granted in case #97-131-20 (addition of 2 double faced free standing signs, totalling 144 sq. ft.); to allow a minimum of zero sq. ft. of private yard space in lieu of 500 sq. ft. and to allow a minimum depth of zero feet in lieu of 15 ft. for lot nos. 300 - 399 and 403 - 462; to allow a setback of 4 ft. to the rear property line for an open projection (deck/balcony) in lieu of 18.75' required for lots nos. 300 - 399 and 403 - 462; to allow 23 (75 spaces) guest parking in lieu of 304 (96 spaces); to allow 20 ft. building to street boundary in lieu of 30 ft. for lots nos. 287 - 291; to allow a 3 ft. window to street boundary in lieu of 35 ft. for lot nos. 281 - 291; to allow a 3 ft. front street right of way setback for garages and carports in lieu of 22 ft. for lots nos. 260 - 283 and 285 - 291; to allow a 14 ft. front street right of way setback in lieu of 22 ft. for lots nos. 259 and 284; to allow a minimum of 20 ft. from the dwelling/windowed door to the centerline of the travelled way in lieu of the required 47 ft. for lot nos. 300 - 399, 403-462 and to amend restriction nos. 2.a, 2.b, and 2.h from zoning case #91-05-A.

HEARING: MONDAY, OCTOBER 7, 1996 at 10:30 a.m. in Room 118, Old Courthouse.

Carl Jablon
Arnold Jablon,
Director

cc: GBC Limited Partnership
Jeffrey H. Scherr, Esq.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 30, 1996

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
Commerce Place, Suite 2600
One South Street
Baltimore, MD 21202-3201

RE: Item No.: 98
Case No.: 97-98-A
Petitioner: GBC Limited Part.

Dear Mr. Scherr:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 23, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/ee
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: Robert A. Wirth *RAW/jrb*
DEPRM

September 11, 1996

SUBJECT: Zoning Item #98 - Villages of Winterset
Zoning Advisory Committee Meeting of September 9, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-31 through 14-350 of the Baltimore County Code).

RAW:VK:SP

WINTERS/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: September 19, 1996

FROM: *Robert W. Bowling*, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 15, 1996
Item Nos. 094, 096, 097, 098, & 101

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE26

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-5580

DATE: 09/19/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL: STMP-1105

RE: Property Owner: G.B.C. Limited Partnership

Location: at c/l of proposed Runnymede rd., 1850' SE of intersection
Dolfield and Watts Rd. (Village of Winterset; FKA Kent Mar, FKA
Kent Mar, FKA Lyonsfield Run)
Item No.: 098 Zoning Agenda: Variance

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *640 (P. 51-1)*

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

LAW OFFICES
KRAMON & GRAHAM, P.A.

One South Street, Suite 2600
BALTIMORE, MARYLAND 21202-3201

November 20, 1996

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
Baltimore County
400 Washington Avenue
Suite 112
Towson, Maryland 21204

RE: Winterset - Variances/Special Exception

Dear Mr. Kotroco:

Enclosed is the Order in the above-referenced matter.

Please let me know if you have any questions or need any further information.

Sincerely,

Jeffrey H. Scherr
Jeffrey H. Scherr

JHS:kts

Enclosure

cc: T. Kevin Carney, President
GBC Limited Partnership (via facsimile w/encl.)
David S. Thaler, P.E., L.S. (via facsimile w/encl.)
Alan E. Scoll, R.L.A. (via facsimile w/encl.)

IN RE: PETITION FOR VARIANCES AND SPECIAL EXCEPTION * BEFORE THE
* DEPUTY ZONING
NW/S Lyons Mill Road * COMMISSIONER
2670'-2970' NE of Harriotttsville * OF
Road; SE/5 Dolfield Road * BALTIMORE COUNTY
(The Villages of Winterset; *
Formerly Known as Kent Mar and *
Lyonsfield Run) *
2nd Election District *
3rd Councilmanic District *
Legal Owner: GBC Limited *
Partnership * Case No.: 97-98-A

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein seeks the following variances:

- SECTION 1801.2.C.1 (BCZR) and V.B.3 (CMDDP)
Requires a 40 foot building-to-building separation.
REQUEST: (a) TO ALLOW 20' BUILDING-TO-BUILDING IN LIEU OF 40'.
-- LOT NOS. 304, 326-327, 404-405, 422-423, 433-434, 438-443, 444-449, 450, 459
(b) TO ALLOW 15' BUILDING-TO-BUILDING IN LIEU OF 40'.
-- LOT NOS. 259-291
- SECTION 1801.2.C.2.b. (BCZR) and V.B.6.c. (CMDDP)
Requires a 40 foot window-to-window separation between centers of facing windows.
REQUEST: (a) TO ALLOW 20' WINDOW-TO-WINDOW IN LIEU OF 40'.
-- LOT NOS. 304, 326-327, 404-405, 422-423, 433-434, 438-443, 444-449, 450, 459
(b) TO ALLOW 15' WINDOW-TO-WINDOW IN LIEU OF 40'.
-- LOT NOS. 259-291
- V.B.6.b. (CMDDP)
Requires a 15 foot window-to-property line setback.
REQUEST: (a) TO ALLOW A MINIMUM 5' WINDOW-TO-PROPERTY LINE SETBACK (SIDE ONLY)
-- LOT NOS. 300, 304, 305, 310, 311, 316, 317, 322, 323, 326, 327, 331, 332, 337, 338, 343

